

ESTTA Tracking number: **ESTTA583239**

Filing date: **01/22/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052150
Party	Defendant Patrick Gilles AKA Wonderbread 5 and/or Wonderbread Five
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY PLLC 344 MAPLE AVENUE WEST, SUITE 151 VIENNA, VA 22180 UNITED STATES mswyers@TheTrademarkCompany.com
Submission	Testimony For Defendant
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Date	01/22/2014
Attachments	Notice of Filing Cert. Transcript- Patrick Gilles.pdf(214809 bytes) Trial Depo Transcript Set 1- Patrick Gilles.pdf(3609174 bytes) Trial Depo Transcript Set 2- Patrick Gilles.pdf(3344193 bytes) Exhibits Set 1.pdf(1887166 bytes) Exhibits Set 2.pdf(1587323 bytes) Exhibits Set 3.pdf(3938944 bytes) Exhibits Set 4.pdf(1186356 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Trademark Registration No. 3,691,948.
For the mark WONDERBREAD 5,

Wonderbread 5,

Petitioner,

vs.

Gilles, Patrick,

Registrant.

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Cancellation No. 92052150

NOTICE OF FILING CERTIFIED TRANSCRIPT – PATRICK GILLES

COMES NOW Registrant, Patrick Gilles, and pursuant to 37. C.F.R. § 2.123(F) and TBMP § 703.01(k), hereby provides notice of the filing of the certified transcript of Patrick Gilles' trial testimony with exhibits with the Board taken on or about Dec. 11, 2013.

A copy of the certified transcript, exhibits, along with Mr. Gilles certification have been filed with the Board via its electronic filing system. As required by the rules, a copy of this notice along with a copy of the transcript and exhibits was previously forwarded to all counsel of record.

Respectfully submitted this 22nd day of January, 2014.

THE TRADEMARK COMPANY, PLLC

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3691948 for the Word mark
WONDERBREAD 5 (Registered on October 6, 2009)

WONDERBREAD 5,

Petitioner,

vs.

Cancellation No. 92052150

PATRICK GILLES,

Registrant.

/

Trial Deposition of
PATRICK GILLES
Wednesday, December 11th, 2013

**CERTIFIED
COPY**

REPORTED BY: JOAN F. MARTIN, CSR #6036

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3 Printout, Wonderbread5.com band page, Bates stamped WB0042	37	42
4 Printout, Wonderbread5.com "Bookus" page, Bates stamped WB0047	41	42
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8	14 One-page letter dated 6/19/01 to Patrick from Jay Siegan, with one page attached, Bates stamped 000003 and 000004; copy of first page also attached, no Bates stamp	58	136
12	15 Copy of Jay Siegan Presents Pay Stubs 5748 and 5753, one page	60	136
14	16 Documents headed "Wonderbread5.com Deposits" dated July 9, 2001, Bates stamped 000006 through 000009	61	136
17	17 (Not identified)		
18	18 Copy of State of California Limited Liability Company Articles of Organization, with one page attached, Bates stamped 00001 and 00002	64	136
21	19 E-mail chain, the first e-mail dated August 23, 2004, to Jeffrey Fletcher and others from Tommy Rickard, two pages	68	136
24	20 E-mail chain, the top e-mail dated April 18, 2007, to Patrick Gilles from Jeffrey, Fletcher, Bates stamped 000028	76	136

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21 Screen print from Wonderbread 5 Facebook page, Bates stamped WB0101	77	136
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27 E-mail dated June 12, 2006, to Patrick Gilles from Tommy Rickard, two pages	100	136
28 One-page letter dated September 15, 2009, to Douglas B. Wroan, Esq., from David M. Given, with one page attached	103	136
29 Document entitled "United States of America, United States Patent and Trademark Office," Bates stamped 000032	105	136
30 Two-page letter dated March 29, 2012, to David M. Given from Matthew H. Swyers, with three pages attached	106	136

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43 Copy of page of Independent Journal C Section, Bates stamped 000060	118	
44 Group exhibit, copies of Wonderbread 5 promotional media, 19 pages	121	136
45 Three-page e-mail dated October 10, 2013, to Pat from Jay	130	136
46 E-mail chain, the top e-mail on the first page dated April 3, 2009, to Jay Siegan from Patrick Gilles, four pages	131	136

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E X H I B I T S

Petitioner's	I.D.	EVID.
A E-mail dated March 12, 2009 , to Patrick Gilles from Barry Simons, Bates stamped WB5 004	140	149

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1 BE IT REMEMBERED THAT, pursuant to Agreement of
2 the Parties, and on Wednesday, the 11th day of
3 December, 2013, commencing at the hour of 10:00 o'clock
4 a.m. thereof, at the Law Offices of Phillips, Erlewine
5 & Given LLP, 50 California Street, Suite 3240,
6 San Francisco, California, before me, JOAN F. MARTIN,
7 a Certified Shorthand Reporter of the State of
8 California, personally appeared

9 ---oOo---

10 APPEARANCES OF COUNSEL

11 Representing Petitioner:

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24
25

---oOo---

1 Wednesday, December 11, 2013 10:00 o'clock a.m.

2 ---oOo---

3 P R O C E E D I N G S

4 ---oOo---

5 PATRICK GILLES,

6 called as a witness by the Registrant, having been by
7 me first duly sworn, was examined and testified as
8 hereinafter set forth.

9 ---oOo---

10 DIRECT EXAMINATION

11 BY MR. SWYERS:

12 Q. Mr. Gilles, good morning. A couple procedural
13 matters, first of all.

14 Have you been deposed before?

15 A. Yes, I have.

16 Q. Okay. And just as a reminder, during the
17 course of the deposition, kindly keep all of your
18 responses in oral format; in other words, so the court
19 reporter can hear and record them down. She can't
20 record hand gestures, nods of the head, even incomplete
21 words like "uh-huh" and "huh-uh." She will not be able
22 to record that; "yes" or "no" answers as appropriate,
23 or otherwise words that we can actually understand,
24 please.

25 Also, two people cannot speak at the same

1 time. If that happens, the court reporter will not be
2 happy with us, and she cannot record both of us at the
3 same time.

4 And so from time to time, either myself or
5 Ms. Cohorn may make an objection. When that does
6 occur, when one of the lawyers may from time to time
7 interrupt you, kindly let them interrupt you, stop
8 speaking, and allow them to state their objections.

9 The lawyers may then have a discussion as to
10 whether or not you should continue with an answer or
11 not. And then if there is any question as to
12 whether -- after the lawyers discuss the objection, as
13 to whether or not you should continue, I will let you
14 know, as your counsel here today.

15 Also, and lastly, in regard to instructions,
16 understanding the question is of paramount importance
17 in a deposition. The record will record that you
18 understood any question and answered the question as if
19 you had understood what the person was asking.

20 Accordingly, if you're unsure of anything that
21 either I ask you today or Ms. Cohorn asks you today,
22 you may ask us to rephrase it or repeat the question.

23 Are those instructions clear?

24 A. Yes, sir.

25 Q. Thank you.

1 Can you kindly state your full name for the
2 record.

3 A. Patrick Edward Gilles.

4 Q. And what is your current home address?

5 A. 240 Lovell Avenue, Mill Valley, California
6 94941.

7 Q. And, Mr. Gilles, if you can, what is your
8 current occupation?

9 A. Video producer.

10 Q. And who do you work for?

11 A. Self-employed.

12 Q. Can you take us through a little bit of your
13 educational background, please?

14 A. Graduated high school 1983. Got a bachelor's
15 in science from Sonoma State University in 1988.
16 Received a master's in business administration from
17 Dominican University in 2002.

18 Q. Where is Dominican University?

19 A. San Rafael, California.

20 Q. You are a musician; is that correct?

21 A. Yes.

22 Q. Okay. Can you give us a little background
23 about your musical history?

24 A. I began playing guitar at age 13 or 14, and
25 have not stopped since. I also sing. I play other

1 instruments: ukulele, piano, bass guitar.

2 Q. You mentioned you began at age 13 or 14.

3 Sitting here today, how old are you today?

4 A. I am 48 years old.

5 Q. So you've -- so you've been playing since --
6 for approximately 35 years?

7 A. Thank you. 35 years.

8 Q. Sorry for that.

9 If you would, I would like to direct your
10 attention to the first exhibit of the day, Exhibit 1.

11 (Registrant's Exhibit 1 identified
12 for the record.)

13 MR. SWYERS: Q. Is that in front of you now?

14 A. Yes, sir.

15 Q. Can you identify that for me?

16 A. Yes. It's a notice of trial -- of deposition
17 for me, Patrick Gilles, registrant.

18 Q. And is that -- I'm sorry. And you're
19 appearing here today to give testimony in the case
20 listed in this notice of trial deposition?

21 A. Yes, sir.

22 Q. Okay. I would like to take you back to 1996,
23 if I could. Tell us a little bit about what you were
24 doing in 1996, please.

25 A. In 1996 I was just wrapping up a band that I

1 was the lead singer and founder of called the Fabulous
2 Flesh Weapons, which was a cover band that played in
3 the San Francisco Bay area. We played cover tunes that
4 were from rock bands, disco bands, country songs, and
5 Jackson 5 songs.

6 Q. Now, how long have you been the lead singer,
7 or in that band?

8 A. Roughly eight years.

9 Q. So, again, just making this easy on the
10 record, so roughly from about 1988 until about 1996; is
11 that correct?

12 A. Actually, yes. Right out of college. That --
13 that's right.

14 Q. Okay. And I believe you already answered my
15 other questions in regard to this, which would have
16 been your duties to the band. You were the guitarist,
17 correct?

18 A. No. That was not my only duty.

19 Q. I apologize. What were your duties in the
20 band?

21 A. Which band, the Flesh Weapons or the
22 Wonderbread 5?

23 Q. The Flesh Weapons.

24 A. I'm sorry. So we played cover tunes and
25 original songs. I was the primary songwriter. It was

1 a three-piece band. I booked, I would say, 80 percent
2 of the shows.

3 I -- we had a rehearsal studio, so I remember
4 I was in charge of writing that check and being
5 reimbursed when we actually made money.

6 Q. Okay.

7 A. I think --

8 Q. You're talking about the Flesh Weapons?

9 A. Yes, the Flesh Weapons.

10 And I was the lead contact. So whenever we
11 made a flyer or a business card, my phone number would
12 be on it.

13 Q. Okay. Now, while you were with the Flesh
14 Weapons, did there come a time that you became familiar
15 with a gentleman by the name of Jeff Fletcher?

16 A. Yes.

17 Q. How did that occur?

18 A. Jeff Fletcher was in a cover band called
19 OBGYN, and they were an all-male cover band that played
20 only female artists' music, and they dressed as women
21 in full drag and dresses, but they -- they kept
22 themselves unshaven and wore combat boots and did all
23 female artists' songs. They were actually very good,
24 very entertaining.

25 Q. And what role did Jeff have in that band?

1 A. He was the drummer of that band. And it was a
2 five-piece band: guitar; bass; drums; keyboards, which
3 was Chris Adams; and then a lead singer.

4 Q. You mentioned the name Chris Adams. I imagine
5 we will hear more about Mr. Adams later today, but at
6 some point was Chris Adams a performer with
7 Wonderbread 5?

8 A. Yes.

9 Q. Okay. And we'll get back to that.

10 Well -- so you became familiar with
11 Mr. Fletcher. Did there come a time where you ever
12 performed with Mr. Fletcher while with the Flesh
13 Weapons?

14 A. Yes. I never performed with OBGYN, but the
15 Flesh Weapons were a bit different. We would include
16 crowd -- audience participation. Girls would come on
17 stage and sing or dance if they liked one of the songs
18 we were doing. Or guys would come up and sing or dance
19 if they liked the song we were doing. And we freely
20 invited people on stage.

21 Jeff Fletcher frequented a lot of the Flesh
22 Weapons' shows and would sing specific songs with us to
23 the point where it became routine. And he would sing
24 the Jackson 5 songs with us, and he would sing some of
25 the Journey songs with us, because Jeff has a uniquely

1 high, powerful falsetto. He's -- he's quite talented
2 in that.

3 Q. Was he the singer for OBGYN?

4 A. No. He was the drummer.

5 Q. And about how many times, if you recall, did
6 Mr. Fletcher join the Flesh Weapons on stage?

7 A. I would say a dozen or more times. We would
8 play once a month at a nightclub called the Faultline
9 in San Rafael. And that's typically where Jeff would
10 see us perform.

11 And if he missed a performance, like he was
12 playing in a show -- so over two years, I would say a
13 dozen times he probably joined us on stage for one song
14 or more.

15 Q. And as these performances, or him joining you
16 on the stage continued, did you ever have the
17 opportunity to speak with Jeff about, I guess, business
18 or other matters?

19 A. Yes. We spoke all the time. We became
20 friends.

21 Q. And now did there come a time that one or both
22 of you suggested perhaps you should strike out and form
23 a band yourselves?

24 A. Yes. So as I mentioned earlier, the
25 Wonderbread 5 was wrapping up. Our drummer was a union

1 butcher, and he --

2 Q. If I may interrupt you for one second. The
3 Wonderbread 5 or the Flesh Weapons?

4 A. I'm sorry; the Flesh Weapons. I'm talking
5 about the Flesh Weapons right now.

6 Q. Yeah. Thank you.

7 A. So the drummer of the Flesh Weapons was a
8 union butcher, and he had a family; a wife and three
9 children. And he left the band maybe two years prior
10 to -- maybe in 1994, '95, he left the band. And so we
11 found another drummer named Eric. And we just sort of
12 lost the spark, magic. I don't know what happens with,
13 you know, that kind of thing, but it didn't feel right
14 anymore without that guy in the band.

15 And I remember one night specifically, at the
16 Faultline Jeff had sang with us, and we were talking
17 after and, in a real organic conversation, we had
18 talked about doing just Jackson 5 songs. And it was
19 sort of self-deprecating about how the original songs
20 really didn't do much, but people loved the cover
21 songs, so why don't we just do cover songs only, and
22 even more so.

23 And this is just me and Jeff, nobody else;
24 nobody from the Flesh Weapons or anybody else around.
25 And we came to the conclusion that a Jackson 5 tribute

1 band, just the Jackson 5 songs, were the best songs
2 that we did.

3 And I said, "Well, gosh. I'm not going to be
4 the one to sing those songs. You'd have to sing them."

5 And he said, "Sure. I'll sing them."

6 And so then in that one evening, we had
7 formulated the vision of the band. It would be a
8 five-piece band, because it was going to be Jackson 5,
9 so there would be five of us. And we also determined
10 the configuration would be a lead singer, guitar, bass,
11 drums and keyboards.

12 We also agreed and came up with that we would
13 wear over-the-top '70s outfits. And we would also wear
14 wigs. All this had been formulated on that first
15 night.

16 And so in doing so -- there's sort of two
17 ingredients that every band needs; aside from
18 musicians, you need a rehearsal spot and you need a
19 truck. And it's kind of a running joke, "What do you
20 call a guy who hangs out with musicians? Someone who
21 owns a truck."

22 So I didn't own a truck; Jeff didn't own a
23 truck. But I owned a home, and I got to working on --
24 I told him, "I'll build a rehearsal studio and we can
25 start this band."

1 And Jeff said, "Well, I'll track down some
2 musicians."

3 Now, at that time -- this is all in one night,
4 we talked about this. And then we talked by phone
5 maybe two days later. And we seriously started talking
6 about people we'd play with.

7 And Jeff had said, "Why don't we get Ken from
8 the Flesh Weapons, the bass player?"

9 And I said, "Well, I'd like to really break
10 clean." And then I said, "Well, why don't we get some
11 of the guys from OBGYN?"

12 And -- well, I was going to play guitar. And
13 Jeff said, "Well, I don't want to play drums in the
14 band. I want to be the lead singer."

15 So there was really no one to pull from OBGYN
16 except for the bass player, and the keyboard player,
17 who was Chris Adams.

18 So I said, "Let's just use Chris Adams."

19 And Jeff Fletcher said, "I don't think he can
20 handle the keyboard parts." He's like, "He's not good
21 enough to play piano. This is really hard music."

22 Q. So you mentioned -- if I may interject, so you
23 mentioned that the first night you and Jeff discussed
24 the band. Now, what is your opinion as to when, if at
25 all, did a partnership form in regard to the band?

1 A. Well, definition of "partnership," I don't
2 know how deep the legal boundaries go or what the
3 definition is, but I would say it was that night. We
4 came -- it was one of those wonderful experiences where
5 you're sitting with someone and you're riffing back and
6 forth and the idea crystalized so quickly and so, sort
7 of, pristine and clean. And we both were on the same
8 page of our vision.

9 And we had models for it. There was a band in
10 Los Angeles called Boogie Nights that were doing '70s
11 music and they were wearing '70s clothes with Afros,
12 but they were not a tribute band. And that was the
13 key; we were going to do really difficult music, music
14 that was hard to execute, but people loved it.

15 So I immediately saw, quote/unquote, the legs,
16 the opportunity here. No one was doing a Jackson 5
17 tribute band.

18 Q. And you and Jeff, that night, formed the
19 agreement that would then allow you to have the
20 Wonderbread 5?

21 A. I have to confess that that was the moment in
22 time that any idea of this was formulated and
23 crystalized. And as I was saying, two days later we
24 were talking about getting band members. And, you
25 know, for those two days, my head was spinning on the

1 opportunities and I got more and more excited about it
2 and committed to the idea.

3 And so then I brought the name to Jeff, "White
4 Bread Five," and he said, "I don't know." Like, "I'm
5 not sold on it, but there you go. There's a
6 placeholder."

7 Q. Let me ask you: About how long did you and
8 Mr. Fletcher talk about the concept of this band and
9 assembling other performers for the band before
10 actually getting it together?

11 A. I would say two to three weeks. And by that
12 time he and I had discussed band members, and Jeff had
13 made the phone calls to Stevenson Brooks, John McDill,
14 and Tommy Rickard.

15 Q. Now, why did Jeff contact other performers to
16 come and join you all?

17 A. Well, we divided the duties. We said the
18 first night, you know, if I -- you know, if you can
19 find musicians, I'll build a studio. So it was like a
20 challenge to each other, you know. If you can show
21 good faith on your part, I show good faith on my part;
22 we'll have band. But you have to put -- we have some
23 skin in the game.

24 He made the phone calls, but he and I talked
25 about the people he was going to call before he called.

1 Sp we agreed on who he was going to call. He didn't
2 just call people out of the blue without asking me.

3 Q. So you all made the decisions on who you
4 invited to be the performers in the band?

5 A. Absolutely. I knew John McDill because I went
6 to school with him and we took a music class together.
7 So --

8 (Whereupon, Mr. Carlin enters the
9 conference room.)

10 THE WITNESS: Matt, someone just joined us.

11 MR. SWYERS: Okay. Can we go off the record for a
12 brief moment?

13 MR. CARLIN: No need to go off the record. This
14 is Nick Carlin. I'm just joining for a moment.

15 THE WITNESS: Are we back on the record?

16 MR. SWYERS: Q. I don't think we ever went off.
17 But thank you.

18 A. So . . . what was I saying?

19 So I went to school -- so we agreed that John
20 McDill, Tommy Rickard, and Stevenson Brooks would be --
21 round out the other members. I did not know Stevenson
22 Brooks. Because I had said, "Why not use Chris Adams?"
23 He was the only keyboard player I knew.

24 And, again, Jeff told me that he didn't think
25 he could handle the keyboard parts. So --

1 Q. Okay. So --

2 A. So I had gone to school with John McDill and I
3 knew him from a band. He was in a band with Mike
4 Taylor at the time call Suck, S-u-c-k. And I think
5 they lived together.

6 So John and Mike Taylor were in a band
7 together; Jeff and Chris were in a band together. And
8 we chose Tommy, John and Stevenson Brooks.

9 Q. Who is Tommy -- what did Tommy do for the
10 band?

11 A. Tommy was a drummer and he was in a band
12 called Vain. I had actually auditioned for Vain to be
13 the guitar player.

14 (Reporter interruption.)

15 THE WITNESS: Vain. V-a-i-n. And --

16 MR. SWYERS: Q. And if I may, just real quick.
17 And I think it's something also that I do; I
18 intentionally slow myself down when I ask questions.

19 And so one of the thoughts -- one other
20 thought. This is a great reminder, is, you know, nice
21 and slow so the court reporter can get down everything
22 that we say.

23 So, if I may, you were saying Tommy Rickard --
24 you were speaking about his history before being asked
25 to be a performer with Wonderbread 5?

1 A. Yes. So --

2 (Whereupon, Mr. Carlin leaves
3 the conference room.)

4 THE WITNESS: -- years before the Wonderbread 5
5 got started, I had been asked by Davey Vain, the lead
6 singer and founder of Vain, to join his band, or at
7 least audition.

8 So I went up and met Davey Vain in Santa Rosa.
9 And he had really long hair and a real elaborate
10 outfit, and he looked like he was on stage. And he's a
11 wonderful musician and a real talented guy.

12 And I showed up in jeans and a hoodie. And my
13 hair was cut really short above the ears --

14 MS. COHORN: Counsel. Excuse me. I'm going to
15 move to strike this narrative as nonresponsive to the
16 question.

17 MR. SWYERS: Fair enough. I agree.

18 Q. And, Mr. Gilles --

19 A. I was getting at the wigs, how the wigs came
20 about.

21 Q. Okay. Fair enough. Let me, actually, move
22 on, if I could.

23 John McDill, what does he do for the band?

24 A. For the Wonderbread 5, he played bass and sang
25 backing vocals.

1 Q. And how about Mr. Stevenson Brooks?

2 A. He played keyboards. And I don't think he
3 sang.

4 Q. All right.

5 A. I don't remember him singing.

6 Q. All right. Now, I'd like to direct your
7 attention to the actual naming of the band. How did
8 the name Wonderbread 5 get settled upon?

9 A. So before anybody was called, Tommy, Stevenson
10 or John McDill, the placeholder was White Bread Five,
11 the name that I came up with that Jeff, I would say,
12 was lukewarm with.

13 And then we found -- we got the other members
14 together -- I wouldn't call them members; group,
15 people. Because we weren't really a band. There was a
16 chance that those guys wouldn't have worked and we
17 would have said we've got to find someone else.

18 But we got together for our first rehearsal,
19 and I brought up some other names, because nobody was
20 really thinking that the White Bread Five was going to
21 appeal to a broad audience.

22 So I came up with Cinco de Blanco. And then a
23 name, Jackson de Blanco, you know, just trying to throw
24 things out there to stimulate creative juices. And
25 John McDill said, "What about Wonderbread?"

1 And so the "bread" and the "five" were already
2 there, and John McDill offered up "wonder." And then I
3 said, "Well, why not Wonderbread 5?" And it was one of
4 those moments where it got real quiet. Nobody
5 disagreed with it. And that's kind of -- it's almost
6 like the less you say, the more you know it's right.
7 Nobody had anything bad to say about it.

8 And we --

9 Q. Okay.

10 A. -- we -- you know. We agreed. I agreed; Jeff
11 agreed.

12 Q. Now, you mentioned you got together for the
13 first rehearsal. Where was that?

14 A. That was at 900 Simmons Lane in Novato,
15 California.

16 Q. And was that a residence?

17 A. That was my home.

18 Q. Where did the band rehearse for the first
19 three or four years?

20 A. That same address, 900 Simmons Lane in Novato.

21 Q. And how frequently did that occur?

22 A. In the beginning, once a week or once every
23 two weeks, as schedules permitted.

24 Q. And was that for the first three or four years
25 while it was at your house?

1 A. Yes.

2 Q. Okay. Now, what, if any, modifications to
3 your house did you undertake to accommodate the band?

4 A. I took one bay of a detached two-car garage on
5 my property and built interior additional walls and
6 soundproofed them with carpeting.

7 John McDill was a contractor but, ironically,
8 this gentleman, Joe, his name was Joe, helped me build
9 it. And I got a -- I bought a used door from Triple A,
10 the company that I worked for at the time, and John
11 actually helped put that door in. And I paid for all
12 the materials in the studio and the carpeting.

13 Q. And thank you.

14 Is it fair to say you built a studio in your
15 garage for the band?

16 A. I built a studio in my garage specifically for
17 the Wonderbread 5.

18 Q. Okay. Now, is that a recording studio or a
19 rehearsal studio or both?

20 A. Rehearsal only.

21 Q. All right. And, now, speaking of rehearsals,
22 who, if at all, would actually arrange for the
23 rehearsals?

24 A. Since it was at my home, it was typically me
25 or Jeff.

1 Q. Okay. Now, did there come a time that the
2 Wonderbread 5 registered a P.O. box to have an official
3 address?

4 A. Yes. About --

5 Q. And who did that?

6 A. I did. I didn't want mail and people or, who
7 knows, fans or anybody, coming to my home or knowing
8 the rehearsal spot, because I had roommates that were
9 paying me -- you know, subletting rooms. So I got a
10 post office box at a San Rafael post office in my name
11 for Wonderbread 5 purposes.

12 Q. Was the original address for, you know, the
13 band, the 900 Simmons Lane address you mentioned?

14 A. Yes. It was the 900 Simmons Lane in the
15 beginning. The post office box, I paid for six months
16 and I let it lapse because I realized it was actually
17 more convenient to use my home address. So I switched
18 gears and moved it back to 900 Simmons Lane after about
19 six months; before that, actually. I just let the post
20 office box lapse.

21 Q. Do you know how long that was the official
22 address of record for the band, the Simmons Lane and/or
23 the post office box?

24 A. I --

25 MS. COHORN: It's argumentative and assumes facts.

1 MR. SWYERS: Q. Was the --

2 A. Well, it's on the LLC.

3 Q. Was the Simmons Lane address the official
4 address of record for the band?

5 A. Yes, it was.

6 MS. COHORN: Vague and ambiguous as to "official
7 address."

8 MR. SWYERS: Q. How would you define "official
9 address," Mr. Gilles?

10 A. So it's where the band rehearsed, it's where
11 contacts would be made in person to book the band
12 through me, and it is also the address that I used to
13 create Wonderbread5.com, LLC with the Secretary of
14 State of California, listed as 900 Simmons Lane, in
15 2000.

16 Q. All right. So, given that, how long was the
17 900 Simmons Lane address used as the address for the
18 band?

19 A. Until Jay Siegan took -- I think until Jay
20 Siegan took over, we were sharing an address for a
21 couple of years. And then he moved to a new address.
22 And that really officially became the address of
23 record, I'd say, probably around 2002 or '03.

24 Q. All right. Now, I'd like to direct your
25 attention to the first performance under the name

1 Wonderbread 5.

2 Do you have a recollection of who booked that
3 performance?

4 A. Yes. I booked that show.

5 Q. And that was going to be my next question.
6 Who booked the first performance?

7 A. I booked the first performance at the
8 Faultline in San Rafael, the same place I used to have
9 a standing gig and met with Jeff.

10 Q. And do you recall about when that first
11 performance was?

12 A. It was in November of 1996.

13 Q. Is there anything else you remember about that
14 first performance? How did it go?

15 A. It was not very crowded, but we were very well
16 received. And my personal memory of the band is that
17 we were on to something really good.

18 Q. Now, after -- and forgive my terminology. Is
19 "gig" the right way we should say this, or
20 "performance"? What's the best way to call
21 performances for you guys?

22 A. I like "performance."

23 Q. Performance. Thank you. I don't want to try
24 to seem like a failed, you know, rock and roller, or
25 someone who tried.

1 In any event, so after the first performance,
2 how did things progress over the next two years?

3 A. We pretty much played the Faultline in San
4 Rafael and then we also played another location called
5 the Tongue & Groove in San Francisco, and we had
6 secured a \$500 guarantee.

7 And those were really the only two places we
8 played besides a backyard party. We played a wedding
9 in 1997, which was my wedding. But that's about it,
10 just those two locations.

11 Q. About how frequently -- and forgive me; allow
12 me to put a time frame on this.

13 From 1996 to 1998, about how frequently did
14 you perform as a band under the name Wonderbread 5?

15 A. Maybe two times a month.

16 Q. Now, during that time, 1996 to 1998, what were
17 you in charge of?

18 A. So aside from playing guitar and singing, Jeff
19 and I both would alternate on receipts. So if we
20 received cash, we would split the cash five ways right
21 there the night of the show. If the show -- a lot of
22 the venues started to -- since we started to make more
23 money at the door, over \$500, the venues began to
24 require us to sign a tax form, and they would pay us by
25 check.

1 And if that were to happen, Jeff and I would
2 alternate signing the form, because we would get taxed,
3 we thought. And then we would issue personal checks to
4 the other performers. Only Jeff and I ever did that.

5 Q. Okay. Who, during -- again, limiting these
6 questions from 1996 to 1998, who was responsible for
7 getting the performances or booking the performances?

8 A. At that point it was anybody and everybody who
9 could find a gig. But the only two gigs that we had
10 were really the Faultline, which I originally booked
11 and became a repeat show, and the Tongue & Groove,
12 which came about through someone who saw us and
13 contacted -- it was either me or Jeff.

14 Q. Would it be fair to say that then you and Jeff
15 were responsible, primarily, for all of the
16 performances or booking all of the performances during
17 that time?

18 A. Absolutely that is correct.

19 Q. Again, during that time, 1996 to 1998, who was
20 responsible for setting the rehearsal times?

21 A. That was mostly me and Jeff.

22 Q. Okay. And who was responsible, again, during
23 '96 to '98, for the promotion of the band?

24 A. Stevenson Brooks made a logo, I was making
25 stickers, and Jeff was making posters.

1 Q. Well, you mentioned that you performed at the
2 Faultline and the Tongue & Groove.

3 Was there any other promotion that was going
4 on to get other performances?

5 MS. COHORN: I'm sorry; can I have the question
6 read back.

7 (Record read.)

8 MS. COHORN: Thank you.

9 THE WITNESS: I think it was just word of mouth at
10 that point. We didn't have the resources, you know.
11 We were putting our own money into the band and, you
12 know, consulting each other what to do. It was almost
13 as if we were waiting to be discovered by more
14 audience, grow the band the way we were doing. We
15 were -- you know, we were growing. The little that we
16 were doing was working.

17 MR. SWYERS: Q. And with growth comes change.

18 Did there come a time that one of the first
19 performers you asked to play for you left the band?

20 A. Yes.

21 Q. And who was that?

22 A. Stevenson Brooks left the band.

23 Q. And do you recall when, about, Mr. Brooks left
24 the band?

25 A. 1997; mid, late '97.

1 Q. Do you recall why?

2 A. Yes. He and --

3 Q. Why?

4 A. He and John McDill did not get along. And, as
5 Stevenson testified in his statement, he and John were
6 not a good fit. And instead of fighting and continuing
7 the sort of uncomfortable environment, the
8 uncomfortable atmosphere that the two of them were
9 creating, Stevenson elected to leave the band.

10 Q. When Mr. Brooks left, what, if any,
11 discussions were there as to whether or not he owned
12 part of the band or its assets?

13 A. We did have a discussion, and he had
14 conditions before he would leave the band. And his
15 conditions were, "You cannot use my prerecorded music.
16 You can't use," you know, "my image anymore in posters
17 or any video." But he did bestow upon us the
18 Wonderbread 5 logo that he created.

19 And Jeff asked him if he would help Chris
20 Adams learn the songs, and he agreed to it.

21 (Civic interruption.)

22 MR. SWYERS: But -- sorry. I hear something in
23 the background. I just want to make sure everyone can
24 hear me okay.

25 Q. Did there come a time that he ever made a

1 claim to own any rights to the name of the band?

2 A. Absolutely not.

3 Q. Who replaced Mr. Brooks?

4 A. Chris Adams.

5 Q. Okay. So as of 19- -- late 1997, early 1998,
6 who were the performers in Wonderbread 5?

7 A. Myself, Pat Gilles; Jeff Fletcher; Tommy
8 Rickard; John McDill; Chris Adams.

9 Q. Okay. Did there come a time that you became
10 aware of a gentleman by the name of Jay Siegan?

11 A. Yes. 1998, approximately.

12 Q. Okay. And who is Mr. Siegan?

13 A. Jay Siegan is an independent booking agent
14 that was going by the name of Solo Music Group. He had
15 an office on Mission Street. And he contacted us after
16 a Tongue & Groove show and invited us to dinner to talk
17 about booking the band.

18 Q. Was he ever the manager of the band?

19 A. Absolutely not.

20 (Registrant's Exhibit 2 identified
21 for the record.)

22 MR. SWYERS: Q. I would like to direct your
23 attention to Exhibit No. 2 in front of you, please.
24 Let me know when you're there.

25 A. I see it.

1 MS. COHORN: I object to this exhibit, first, on
2 the grounds that pre-trial disclosures were neither
3 properly nor timely served. They didn't identify any
4 groups or categories of documents that would be
5 introduced through this testimony, and this document
6 was never produced during discovery.

7 So we'll move to strike any testimony
8 pertaining to this exhibit.

9 MR. SWYERS: Thank you. Your objection is noted.

10 Q. Mr. Gilles, subject to counsel's objection,
11 can you tell us what this is?

12 A. This is a screen print from the Wonderbread 5
13 Facebook page.

14 Q. And to the best of your knowledge, is this a
15 true and accurate copy of the same?

16 A. Yes, sir.

17 Q. Okay. And can you look where it says "Contact
18 information" on this page?

19 A. Yes.

20 Q. And under "Booking Agent," what does it say?

21 A. Under "Booking Agent" it says, "Jay Siegan.
22 jay@jaysieganpresents.com." And, if I could add, above
23 that it says, "General manager, Tommy."

24 Q. Okay. Thank you.

25 MR. SWYERS: We'll move that into evidence subject

1 to Ms. Cohorn's objection.

2 (Registrant's Exhibit 2 submitted
3 for admission into evidence.)

4 (Registrant's Exhibit 3 identified
5 for the record.)

6 MR. SWYERS: Q. Can I direct your attention to
7 Exhibit 3?

8 A. Yes.

9 MR. SWYERS: Ms. Cohorn, at this time I would like
10 to actually address you, if I may.

11 Your objections, so that you don't have to
12 object for every single exhibit, I understand you're
13 placing an objection on the record in reference to both
14 the sufficiency of our pre-trial disclosures as well as
15 to whether or not they were ever received by your
16 office?

17 MS. COHORN: That's correct. Well, we did receive
18 them, as you know, when you sent them by e-mail. But
19 the service was not proper. They weren't timely served
20 correctly.

21 And we further object that there is no
22 adequate disclosure of the documents you intended to
23 introduce through testimony.

24 If you'll let me make a standing objection on
25 that basis to all of these documents --

1 MR. SWYERS: Thank you.

2 MS. COHORN: -- then that will save us some time.

3 And I will state for the record that we're
4 participating in this examination under protest and
5 will move to strike.

6 MR. SWYERS: Very well. And your objection -- and
7 that's -- I was simply trying to do this from a
8 procedural matter so you don't have to object, as we
9 have -- you know, we have numbered 46 exhibits, give or
10 take. There are some that are actually A, B and C, so
11 we may be in the nature of 47.

12 So your objections, so we have an agreement,
13 are preserved in reference to, you know, the -- what
14 you've enunciated, and in no way, shape or form am I
15 attempting to limit them here today. Just from a
16 practical standpoint, we recognize that you're
17 objecting on those grounds for all of these.

18 In a brief response, of course, we do feel
19 that we did serve the pre-trial disclosures in a timely
20 manner, as was discussed with your office prior to this
21 deposition moving forward.

22 Moreover, there would be no prejudice shown,
23 even if it was shown, that we did not, which we contend
24 that we did; especially in consideration that our
25 offices, as the board can be made aware at the time of

1 the briefing stage, if need be, were in constant
2 communication -- or I shouldn't say "constant," but
3 were in communication back and forth so we could
4 arrange for a mutually convenient time for this
5 deposition to take place, significantly before it did
6 take place. So I don't think there's any surprise in
7 regard that Mr. Gilles was going to be a witness in
8 this regard.

9 And, moreover, since, you know, the majority
10 of these documents were produced in discovery, or
11 otherwise were rebuttal evidence by some testimony
12 presented by your witnesses, we believe that everything
13 was properly done in this matter.

14 Anything further from you before I continue
15 on?

16 MS. COHORN: Just very briefly, because now isn't
17 necessarily the proper time to argue the motion to
18 strike. I will point out that the disclosures were
19 served to the wrong address, to an attorney who hasn't
20 worked at this firm in years, despite the fact that we
21 filed and served notice of change of address and notice
22 of appearance for the attorneys who are handling this
23 matter now, months prior.

24 The disclosures don't identify any documents
25 whatsoever to be introduced during trial. It states

1 only that you may introduce exhibits to be identified
2 and a notice of reliance; that's insufficient under the
3 rules.

4 But we can argue those matters later. For the
5 time being, I think if you'll accept a standing
6 objection on these grounds, we can save some time and
7 move forward.

8 MR. SWYERS: Absolutely it is accepted. And thank
9 you very much. And I imagine we will revisit this
10 during the briefing stage at some point. Thank you.

11 Okay. Can I go ahead and move forward?

12 MS. COHORN: Please.

13 MR. SWYERS: Fantastic. Thank you. And, forgive
14 me; I believe I was on Exhibit No. 3.

15 Q. Mr. Gilles, if you would be so kind, can you
16 identify this for us?

17 A. This is a printout of the official
18 Wonderbread5.com band page. It states, "Booking
19 Information, Jay Siegan," and it gives the Jay Siegan
20 office number of (415) 447-4730.

21 It also shows a member of -- group of five
22 people jumping in the air with the names MikeyT, Tommy,
23 Jeff, John, Chip.

24 Q. Thank you.

25 And this is a true and accurate copy, to the

1 best of your knowledge, of this printout?

2 A. Yes.

3 Q. All right. Moving on, can you tell us what
4 Exhibit 4 is?

5 (Registrant's Exhibit 4 identified
6 for the record.)

7 THE WITNESS: This is a printout of the
8 Wonderbread5.com "Bookus" page.

9 MR. CARLIN: Q. As it appears on their website?

10 A. As it appears on the website.

11 Q. Okay.

12 A. And it's got five people at the top --

13 Q. And, once again, how is Mr. Siegan identified
14 on this page?

15 A. He's identified three times; at the upper
16 right under "Booking Information, Jay Siegan," with a
17 phone number; down in the bottom under "How far ahead
18 is Wonderbread 5 booked," it states, "Please contact
19 Jay at jaysieganpresents.com." It also says, "We do
20 have dates booked as far as one year in advance."

21 Additionally, at the very bottom, it says, "To
22 book the Wonderbread 5, please contact Jay Siegan
23 Presents." It gives a telephone number and an e-mail.

24 Q. Is this a true and accurate copy of this page,
25 to the best of your knowledge?

1 A. Yes, sir.

2 (Registrant's Exhibit 5 identified
3 for the record.)

4 MR. SWYERS: Q. All right. Directing your
5 attention to Exhibit 5, can you identify this for us,
6 please?

7 A. This is another official page from the
8 Wonderbread5.com printout.

9 Q. And how is Mr. Siegan identified on this page?

10 A. "Booking Agent, Jay Siegan," with a telephone
11 number.

12 Q. All right. And is this, to the best of your
13 knowledge, a true and accurate copy of this page?

14 A. Yes, sir.

15 Q. Okay. And, again, to the extent that I need
16 to, we will move all of the exhibits in, so far, 1
17 through 5, subject to counsel's standing objections.

18 (Registrant's Exhibits 1, 3, 4 and 5
19 submitted for admission into evidence.)

20 MR. SWYERS: Q. Mr. Gilles, based upon your
21 understanding, is it legal for a booking agent to be a
22 manager and a booking agent in the state of California?

23 A. No, sir.

24 Q. Okay. What is that understanding based upon?

25 A. A conversation with Jay Siegan and my

1 subsequent investigation on the Internet of the talent
2 agent's agreement of California Secretary of State.

3 Q. What conversation are you referencing with
4 Mr. Siegan?

5 A. Jay Siegan repeatedly informed me that he
6 could not be a manager and an agent in the state of
7 California, legally, and he was only the booking agent.

8 Q. Do you know if he was a licensed booking agent
9 at the time that he began booking performances for
10 Wonderbread 5?

11 A. My understanding, from what he told me, is
12 yes, he is and was.

13 Q. Okay. And, to confirm, he was a licensed
14 booking agent in 1998? That's what he represented to
15 you?

16 A. That's what he told me.

17 Q. All right. So Mr. Siegan became the booking
18 agent of Wonderbread 5 in 1998. Following the
19 relationship being formed with Mr. Siegan, how would
20 you describe the growth of the band's performances?

21 A. We began to grow in popularity rapidly. We
22 got a lot of corporate gigs, that we could never seem
23 to get connected with, that Jay Siegan could get
24 connected with. We also got into more clubs.

25 Q. You previously testified that during roughly

1 1996 to 1998, the band was performing approximately two
2 times per month.

3 How did that change in 1998 when Mr. Siegan
4 became the booking agent?

5 A. We began to play anywhere from four to six
6 times a month.

7 Q. And corresponding to the more performances,
8 did the band experience an increase in revenues?

9 A. Yes.

10 Q. Okay. Also, corresponding to the increased
11 number of shows, was there an increase in time
12 commitment to the band?

13 A. Yes. Very much so.

14 Q. Okay. Now, as a result of the increased time
15 commitment, were increased pressures placed upon anyone
16 in particular in the band?

17 A. Yes.

18 Q. Okay. Did anyone at any time express concern
19 over pressures mounting as a result of this?

20 A. Yes. Jeff and I were still doing most of the
21 business work of the band. And Jeff would say things
22 like, "I just want to be the singer. It's hard enough
23 for me to remember all the words." And he would
24 constantly remind us that he experienced severe ADD, as
25 he called it. And it was extremely difficult for him

1 to remember all the lyrics. And he would comment on
2 how simple it was for us to remember all the music with
3 our fingers, and he had a harder job.

4 So, subsequently, the stage would be littered
5 with paper, with lyrics and set lists. And Jeff's main
6 job before shows, that he would print the set list up,
7 and he still would make the posters, but that was it.
8 He had enough work to remember all the lyrics.

9 (Registrant's Exhibit 7 identified
10 for the record.)

11 MR. SWYERS: Q. I would like to direct your
12 attention to Exhibit No. 7.

13 And so the record is clear, we did not
14 reference 6. We skipped over 6.

15 MS. COHORN: Counsel, if I could just --

16 MR. SWYERS: Q. Directing your attention --

17 MS. COHORN: Excuse me.

18 -- pose an objection. In addition to the
19 standing objections on this, object to Exhibit 7 to the
20 extent it was not produced in discovery.

21 MR. SWYERS: Thank you.

22 Q. Directing your attention to Exhibit No. 7,
23 about what time frame are we talking about when you're
24 speaking about Mr. Fletcher?

25 A. When he wanted to take stuff off his plate to

1 do this?

2 Q. Yes.

3 A. Well, I would say between 2000 and 2005, when
4 he hit the wall. Between 2000 and 2005, while he would
5 complain that he had the hardest job in performance in
6 the band with all the singing, he was taking on other
7 roles, like taking photographs at shows and uploading
8 pictures to the website and making flyers and doing
9 other things. But -- and working with the calendar.
10 Jay Siegan would give us a calendar, and Jeff would put
11 those calendar dates on the Myspace page.

12 Q. Okay. Not referencing Exhibit 7, but just on
13 your own recollection right now, what, if anything
14 else, was going on in Mr. Fletcher's life at that time
15 which may have been adding stressors to his time, or
16 adding stress to his time?

17 A. He had recently gotten married and was having
18 children. He had his first child shortly before 2005,
19 I think. And then they were expecting their second
20 child. And he announced to the other performers that
21 he wanted to spend more quality time with his wife and
22 his children and, in fact, would, under no uncertain
23 terms, be doing any of this administrative work any
24 more.

25 Q. Now referencing you to Exhibit 7, can you

1 identify Exhibit 7 for us?

2 A. Yes. It's an e-mail from Jeff Fletcher to
3 "Plus 5 more," which includes Jay Siegan, John McDill,
4 Chris Adams, myself and -- who am I missing?

5 Q. What is the date on the e-mail?

6 A. June 5, 2005.

7 Q. Is this a true and accurate copy of the
8 e-mail?

9 A. Yes, sir.

10 Q. Thank you. Now, directing your attention to
11 -- well, the time frame of 2001 to 2006, what matters
12 were you in charge of?

13 A. I was doing all of the merchandising, which
14 was creating and securing stickers, buttons, T-shirts,
15 other garments with our logos on them. And it should
16 be noted that I was the only one in the band who ever
17 spent band money for those things. And radio ads.

18 Any of the monies that was spent by Jeff
19 Fletcher for his posters were reimbursements. But I
20 was spending money for these things as I managed the
21 band, and getting the money either from Jay Siegan
22 directly or, in fact, I would put my own money out for
23 radio ads, I mean, to the sum of \$10,000 a year.

24 (Registrant's Exhibits 8 and 8a
25 identified for the record.)

1 MR. SWYERS: Q. All right. Directing your
2 attention to Exhibit 8 and what's been marked as 8a.

3 Can you look at these and identify these for
4 us, please?

5 A. So 8a is an e-mail from Tracy Lee, who was the
6 owner of NapkinNights, which was a website in the
7 Sacramento area that published photos and promoted
8 bands.

9 And this is to Steve, her partner,
10 correspondence between Steve and myself about securing
11 ad space on NapkinNights' home page.

12 Q. And you were in charge of that?

13 A. Yes. And I'm requesting the invoice and
14 letting him know that I would be paying them.

15 Q. And is this a true and accurate copy of that
16 e-mail?

17 A. Yes, sir.

18 Q. Okay. Specifically on to 8a; tell us what
19 this is.

20 A. This is an e-mail between Jeff and myself
21 where I was asking for an asset from Jeff that he had.
22 You know, no longer producing assets, but he had a
23 library of things that he did before 2005, and I'm
24 asking him for a button.

25 What that means is it's a piece of digital

1 artwork that can be put onto a website that a
2 NapkinNights user could click on and then go to our
3 website.

4 Q. Okay. Is this a true and accurate copy of
5 this e-mail?

6 A. Yes, sir.

7 (Registrant's Exhibits 9 and 9a
8 identified for the record.)

9 MR. SWYERS: Q. Okay. You mentioned
10 merchandising. Can I direct your attention to
11 Exhibit -- Exhibits 9 and 9a?

12 A. Yes.

13 Q. Looking at Exhibit 9, tell us what this is.

14 A. This is correspondence between myself and a
15 silkscreen printer by the name of Greg Van Gaver. And
16 we are negotiating delivery and acquisition of T-shirts
17 and other wardrobe. I'm paying for them. I'm
18 coordinating the delivery and the payment and the
19 artwork.

20 Q. Is this a true and accurate --

21 MS. COHORN: Excuse me. I'll object that the
22 document speaks for itself.

23 MR. SWYERS: Q. And so -- and we can -- well, so
24 the record is clear, I'm only trying to enter these
25 into evidence as to what Mr. Gilles was doing. I don't

1 have to have him quote at all from them.

2 If you want me just to go through and say, is
3 this a true and accurate copy of an e-mail with a brief
4 synopsis, I'll be happy to do that.

5 MS. COHORN: That's fine.

6 MR. SWYERS: Okay. I'll try to speed it up, then.

7 Q. And, forgive me, now I forgot. Mr. Gilles,
8 was this a true and accurate copy of Exhibit 9, the
9 e-mail?

10 A. Yes, sir.

11 Q. Okay. Thank you.

12 Directing your attention to 9a, can you just
13 briefly tell us what this is?

14 A. This is more correspondence between myself and
15 the silkscreen operator.

16 Q. Is it a true and accurate copy of the e-mail?

17 A. Yes, sir.

18 (Registrant's Exhibits 10, 10a,
19 10b and 10c identified for
20 the record.)

21 MR. SWYERS: Q. Okay. Directing your attention
22 to Exhibit No. 10, can you briefly tell us what this
23 is?

24 A. I was in charge of all the radio promotions,
25 ads, and booking shows through a radio station. And

1 this is correspondence between Teresa Nevarez and
2 myself doing so.

3 Q. All right.

4 MS. COHORN: Counsel, let me pose an objection on
5 the grounds of Federal Rule of Evidence 106. This
6 doesn't appear to be the complete document. You'll see
7 at the beginning there is a word "Teresa" that looks
8 like a signature from a previous e-mail.

9 MR. SWYERS: Very well. The objection is noted.
10 Thank you.

11 Q. Mr. Gilles, on Exhibit 10a, can you tell us --
12 actually, we can lump these together; 10a, 10b and 10c.

13 Can you just briefly look at these to tell us
14 what these are?

15 MS. COHORN: Can we pause for just a second so I
16 can review these?

17 MR. SWYERS: Okay. Can we go off the record for a
18 brief moment?

19 MS. COHORN: Sure.

20 (Brief recess.)

21 MR. SWYERS: Back on the record.

22 Q. Again, Mr. Gilles, if you could just look at
23 now 10, 10a, 10b and 10 -- somewhere in here I think
24 there's a 10c; 10c.

25 What are these, just briefly?

1 A. It's all correspondence between myself and
2 Teresa Nevarez from 97.3 FM.

3 Q. Now, your counsel -- your counsel has marked
4 these as 10a through -b or -c, as the case may be.

5 Were these, in essence, in a string, these
6 e-mails a string?

7 A. Yes.

8 Q. If you can tell.

9 A. Some are and some aren't. But you can go
10 almost a month where we just tacked on old e-mails to
11 remain in communication.

12 Q. Okay. And so whether these are an excerpt or
13 the full e-mails themselves, are these true and
14 accurate copies of the text that occurred between you
15 and Teresa in these e-mails?

16 A. Yes, sir.

17 Q. And that goes for 10 through 10c, correct?

18 A. Yes, sir.

19 Q. Okay. So from 2001 -- from the time period
20 of, you know, 2001 to 2006, who was in charge of
21 managing the band?

22 A. Myself.

23 MS. COHORN: Vague and ambiguous.

24 MR. SWYERS: Q. Okay. And just so the record is
25 clear, Mr. Siegan was never the manager of the band,

1 correct?

2 A. No. I was the manager of the band.

3 Q. Okay. Now, you testified Mr. Siegan, however,
4 was the booking agent for the band, correct?

5 A. Yes.

6 Q. When -- describe for me the process when
7 Mr. Siegan would have a performance that he wanted to
8 book you for, who would he notify of this?

9 A. Jay had unilateral power to book the band
10 based upon our calendar. It was the responsibility of
11 any performer to let Jay know if they would be out for
12 a certain day. And even then, Jay would still have
13 permission to book the show, because there was so many
14 substitute players.

15 So he didn't have to call anyone, but I was
16 typically the person that Jay would call if he had
17 questions about the show that involved, maybe,
18 additional music, special requests from the client,
19 rental cars, money out, things like that.

20 (Registrant's Exhibit 11 identified
21 for the record.)

22 MR. SWYERS: Q. Okay. And I would like to direct
23 your attention to Exhibit 11.

24 MS. COHORN: On this one, in addition to the
25 standing objections, I'll also object on the grounds

1 that wasn't produced during discovery.

2 MR. SWYERS: And specifically in reference to
3 Exhibits 11, 12 and 13, a brief response in that
4 regard.

5 We believe this is rebuttal evidence based
6 upon Mr. Siegan's testimony.

7 Q. Mr. Gilles, can you kindly identify Exhibit 11
8 for us, please?

9 A. It's an e-mail from Jay Siegan to all of the
10 petitioners and myself, along with Jay Siegan's
11 assistant, Sarah Aldinger. It basically --

12 Q. Is it a true --

13 A. Yes, it's a true and accurate statement.

14 Q. Is it a true and accurate copy of the e-mail
15 that was sent?

16 A. Yes, sir.

17 MS. COHORN: Counsel, just so we have a clear
18 record, let me pose the objections to Exhibits 12 and
19 13, also on the grounds that they weren't produced in
20 discovery.

21 MR. SWYERS: Thank you.

22 I think the record is very clear to that
23 effect. And, again, we will contend that it is. To
24 the extent that that's the case, that it would be
25 permissible under rebuttal evidence.

1 (Registrant's Exhibit 12 identified
2 for the record.)

3 MR. SWYERS: Q. Can you identify Exhibit 12 for
4 us, please?

5 A. I was just going to say, in E-mail 11, you
6 asked me to identify it. It basically says that "I
7 send Pat 10-plus e-mails a day between WB5 and RDL."

8 Q. Thank you. I appreciate that.

9 Moving on to Exhibit 12. Can you identify
10 that for us, please?

11 A. This is a printout of an e-mail from me to
12 Jeff in response to an e-mail from Jeff to the -- to
13 Jay Siegan.

14 Q. All right. Is this a true and accurate copy
15 of this e-mail?

16 A. This is -- correct, a true and accurate copy.

17 (Registrant's Exhibit 13 identified
18 for the record.)

19 MR. SWYERS: Q. Okay. Directing your attention
20 to Exhibit 13, can you identify this for us?

21 A. This is the continuation of Exhibit 12 that
22 generated the other two e-mails. It's an e-mail from
23 Jeff -- I'm sorry -- an e-mail from Jay to me, and
24 then -- and then a -- it's the same conversation in two
25 different e-mails.

1 Then Jeff got angry at me and Jay. And then I
2 sent an e-mail to Jeff trying to calm him down.

3 MS. COHORN: Counsel, let me object to Exhibit 13
4 also on the grounds that it appears to be incomplete.
5 It states there's a "forwarded message attached." I
6 don't see any evidence of the forwarded message. And
7 the header, additionally, appears incomplete. There is
8 no subject line.

9 Go ahead. I'm finished.

10 MR. SWYERS: Thank you.

11 Q. Whether we're talking about Exhibits 11, 12 or
12 13, or just more in general, why were these issues
13 being addressed from Mr. Siegan to you and Jeff?

14 A. Jeff and I were the primary contacts. We
15 controlled the band. We were the person he would go to
16 if he needed a global decision about the band.

17 Jeff, by this time, had really backed out and
18 did not want to be troubled with the administrative
19 work of the band. So really this e-mail is between Jay
20 and myself. If you look at it, Jeff sent Jay an angry
21 e-mail, Jay then forwards me Jeff's angry e-mail, and
22 then I go offline with Jeff separately to calm him
23 down.

24 And this is basically how these things would
25 happen. Somebody would have a problem, and Jay would

1 contact me to either put out the fire, or I would work
2 with Jay to put out the fire.

3 Q. Okay. So as bookings are growing underneath
4 Mr. Siegan's bookings, did there come a time that you
5 felt the need to open a bank account for the band?

6 A. Yes, sir.

7 Q. Okay. Tell us about that.

8 A. So as we stated earlier, I had started going
9 to school for business and I had registered
10 Wonderbread5.com, LLC with the Secretary of State. And
11 I had invited anybody to participate in the
12 Wonderbread 5 business. And initially Tommy, John,
13 Chip and Jay agreed as to participate, and Jeff wanted
14 to think about it. But ultimately Jeff participated
15 about two or three months later.

16 Q. All right. So in reference to the bank
17 account, where did you open the bank account?

18 A. We opened the bank account at Mission bank,
19 which was a bank that Jay Siegan was using. And Jay
20 Siegan and I opened the bank account together, and we
21 were both signatories on the account. Only Jay or I
22 could make deposits or withdrawals from the account.

23 Jay Siegan --

24 Q. Do you remember about when -- I'm sorry. Do
25 you remember about when this was?

1 A. June of 2001.

2 Q. And you mentioned it was you and Mr. Siegan,
3 correct?

4 A. That is correct.

5 Q. And, again, just so the record is clear,
6 because it sort of breezed by me there, who had
7 signatory control over the account?

8 A. Only Jay Siegan and myself.

9 Q. Did Mr. Fletcher have any access to the
10 account?

11 A. No.

12 Q. Did any other performer for Wonderbread 5 have
13 access to the account?

14 A. No.

15 Q. I would like you to -- excuse me. I would
16 like to direct your attention to Exhibit No. 14.

17 (Registrant's Exhibit 14 identified
18 for the record.)

19 MR. SWYERS: Q. Can you kindly take a look at
20 that for me?

21 A. Yes. This is an agreement that was written up
22 by Jay Siegan based upon information that Jay and I had
23 collected outlining a verbal agreement that the -- all
24 the performers had to open a bank account that I would
25 be in charge of and maintain and control.

1 It gave --

2 Q. All right.

3 A. -- stipulations on how, if you take your money
4 out, you're leaving the agreement and Wonderbread5.com
5 business.

6 Q. All right. The Exhibit 14 before you should
7 be a three-page exhibit.

8 Are the first and the third pages the same?

9 A. Yes.

10 Q. The third page just a better copy?

11 A. Yes.

12 Q. Okay. And I would like to direct your
13 attention to the second page, which is designated with
14 our production Bates stamp 000004.

15 A. Yes.

16 Q. What is this?

17 A. This was the first person to leave the
18 Wonderbread5.com LLC, which was Tommy Rickard, who took
19 his cash out per the agreement.

20 Q. Also shows -- who was this --

21 A. Jeff Fletcher.

22 Q. Who was this distributed to?

23 A. Everyone named. And it was generated by Jay
24 Siegan, the same signature, the person who signed the
25 original agreement.

1 Q. All right. On the very top of this page, can
2 you tell me what the first line of this says?

3 A. Quotation, "WonderBar," close quote, account,
4 dash, Wonderbread5.com LLC.

5 Q. Okay. And if you know, did the funds that are
6 being distributed here, or being referenced here, were
7 these coming out of the Mission bank account you just
8 testified about?

9 A. Yes, sir.

10 MS. COHORN: Leading.

11 MR. SWYERS: Q. I apologize. Was the answer yes?

12 A. Yes.

13 Q. Okay. Is this a true and accurate copy,
14 Exhibit 14, of these documents?

15 A. Yes, sir.

16 (Registrant's Exhibit 15 identified
17 for the record.)

18 MR. SWYERS: Q. Okay. And directing your
19 attention to Exhibit No. 15. Do you know what this is?

20 A. These are pay stubs --

21 MS. COHORN: Excuse me. Let me pose an objection
22 to this. It was not produced during discovery.

23 MR. SWYERS: Very well. And, again, based upon
24 the testimony of previous witnesses, we'll contend it's
25 rebuttal evidence. Thank you.

1 Q. Can you identify this for us?

2 A. These are pay stubs showing my deposits into
3 the Mission -- Wonderbread5.com LLC bank account over
4 one performance.

5 Q. All right. And what -- well, is this a true
6 and accurate copy of those pay stubs?

7 A. Yes, sir.

8 Q. All right. Directing your attention to what
9 has been marked as Exhibit No. 16.

10 (Registrant's Exhibit 16 identified
11 for the record.)

12 MR. SWYERS: Q. Can you identify what this, is
13 for us?

14 A. These are all -- this is a list generated by
15 Jay Siegan called "Wonderbread5.com Deposits" with a
16 handwritten note to me, "Pat, FYI, here are the
17 WB5.com deposits so far. Slowly but surely!"
18 exclamation, dash, signed "Jay." And it's all the
19 deposits from June to November of 2001.

20 Q. And in what bank accounts, if you're aware,
21 were these deposits deposited into?

22 A. Mission National Bank.

23 Q. And this is the bank account you testified to
24 that you and Mr. Siegan opened?

25 A. Yes, sir.

1 Q. Is this a true and accurate copy of the
2 records that you see before you?

3 A. Yes, sir.

4 Q. Also in reference to -- I'm going to take you
5 back, for a brief moment, back to Exhibit 14.

6 Were these records kept in the ordinary course
7 of business?

8 A. Yes.

9 Q. Okay. Same question for Exhibit 15 and 16 --
10 for exhibits -- were these records also kept in the
11 ordinary course of your business?

12 MS. COHORN: Compound and leading.

13 MR. SWYERS: Establishing -- well, establishing
14 evidentiary basis for these to come in. So I believe
15 we're allowed to lead a little bit in that regard. But
16 anyway . . .

17 Q. Were these business records --

18 A. Yes.

19 Q. Mr. Gilles --

20 A. Yes, sir.

21 Q. -- kept in the ordinary course of the
22 business?

23 A. Yes, sir. I kept these records with my
24 Wonderbread5.com LLC folder.

25 Q. Okay. Speaking of Wonderbread5.com LLC --

1 well, it's an assumption at this juncture, but did
2 there come a time that you organized that entity?

3 A. Yes.

4 Q. Tell us about that, please.

5 A. Again, I was very interested in business. I
6 was in business graduate school to get my MBA. I saw
7 great potential in the Wonderbread 5 band that I
8 founded, and I thought it could grow even bigger,
9 exponentially, and maybe branch into franchise.

10 And it was my goal to rally support. I
11 offered everybody an opportunity to grow the business,
12 and they all declined. I took it upon myself to
13 continue the venture, and I created the
14 Wonderbread5.com LLC as a general partner.

15 Q. Did the other -- I'm sorry. Did others know
16 that you doing this?

17 A. All the other performers had been invited and
18 declined. I went ahead and put the legwork in and paid
19 the fees of \$1600 out of my own pocket, not asking for
20 reimbursement, and then started to create the
21 merchandising.

22 As they saw it moving forward, they then asked
23 to be a part of it. That's when the bank account --

24 Q. Let me --

25 A. Okay.

1 Q. Let me stop right there, because perhaps we've
2 taken some things out of order here a little bit.

3 I would like to direct your attention to
4 Exhibit 18. And again, specifically note there is no
5 Exhibit 17. So I'm not skipping anything; it's just --

6 (Registrant's Exhibit 18 identified
7 for the record.)

8 MR. SWYERS: Q. Please direct your attention to
9 Exhibit 18. Tell me what this is.

10 A. This is a filed certified copy of the Limited
11 Liability Company, Wonderbread5.com LLC, dated
12 October 13, 2000.

13 Q. All right. And so what is the date of
14 organization of this LLC?

15 A. (Witness reviews document.)

16 Q. What is the date of the filing of this LLC?

17 A. It's a difficult copy to read. Is it up at
18 the top?

19 Q. Top right-hand corner. "Filed, Official
20 Office of the Secretary of State."

21 A. October 13, 2000.

22 Q. And so -- well, first, is this a true and
23 accurate copy of the limited liability company articles
24 of organization?

25 A. Yes, sir.

1 Q. Were these kept in the ordinary course of
2 business?

3 A. Yes, sir.

4 Q. Okay. I'm actually going to take a step back,
5 if I may.

6 So at the time you -- well, did this LLC exist
7 at the time that you and Mr. Siegan opened the bank
8 account?

9 A. Yes.

10 Q. Was the -- what, if any, relationship to the
11 bank account did this LLC have?

12 A. The bank account was money for this LLC. It
13 was the bank account for the LLC. It had the same
14 name.

15 Q. Okay. So --

16 A. As per.

17 Q. -- you and Mr. Siegan opened the bank account
18 in the name of the LLC?

19 A. It was -- the bank account was called
20 Wonderbread5.com but, as the other exhibit shows, it
21 was Wonderbread5.com LLC. So --

22 Q. All right.

23 A. -- it was almost a -- the dba was
24 Wonderbread5.com.

25 Q. Okay. I would like to direct your attention

1 to some other performers that performed with
2 Wonderbread 5 over the years.

3 Did there come a time that you became familiar
4 with a gentleman by the name of Fraser Lunney?

5 A. Yes.

6 Q. Tell us about Mr. Lunney.

7 A. He was in a band with Tommy Rickard from maybe
8 2000 to 2005.

9 Q. And did there come a time that he played with
10 Wonderbread 5?

11 A. Yes. He would play bass in the band
12 periodically.

13 Q. Why?

14 A. If John McDill could not perform or did not
15 want to perform and no other -- no other performer was
16 able to do it.

17 Q. Was he ever partner of Wonderbread 5?

18 A. No.

19 Q. Okay. Who is Clay Bell?

20 A. Clay Bell is a guitar player-singer that plays
21 for several of Jay Siegan's other bands, Notorious and
22 Pop Rocks, and I think another band. And he would play
23 guitar if I were unavailable. He would also sing lead
24 vocals if Jeff were unavailable, which he did -- I can
25 remember on one occasion he sang lead vocals in the

1 Wonderbread 5.

2 Q. Was he ever a partner of Wonderbread 5?

3 A. No.

4 Q. Returning to Fraser Lunney for a brief moment,
5 about how often did Mr. Lunney perform with
6 Wonderbread 5?

7 A. Four to eight times a year, maybe more. There
8 were a lot of subs. I can't recall if he was always
9 the bass player that was playing for John.

10 Q. And how about Mr. Bell, how often would he
11 perform with Wonderbread 5?

12 A. Similar. Because he would also play bass for
13 John, he would play guitar for me, or he would sing for
14 Jeff.

15 Q. Okay. Now, I would like to direct your
16 attention -- go back to the mid 2000s.

17 What, if any, friction is going on in the band
18 at that time?

19 A. The mid 2000s, there was friction between Jeff
20 and Tommy and Jeff and myself.

21 Q. Talk about the friction between Jeff and you.
22 What friction was there between you and Mr. Fletcher?

23 A. I was trying to grow the band and make the
24 band more money, and bigger, which required more
25 administrative work and more time put into the band, on

1 stage and off stage, while Jeff was pulling back and
2 specifically wanted to do less. And he felt that he
3 was already doing more than he could handle just
4 remembering lyrics and printing set lists and working
5 with his growing new family.

6 Q. All right. Did there come a time that any of
7 the other original performers with Wonderbread 5 also
8 expressed concerns about continuing with the band?

9 A. Tommy Rickard specifically wanted to leave the
10 band.

11 Q. Tell us about that.

12 A. So there's an e-mail. It's in here.

13 Q. I believe it's Exhibit 19.

14 A. Okay. So --

15 (Registrant's Exhibit 19 identified
16 for the record.)

17 MR. SWYERS: Q. And so if you would like -- yeah.
18 Go ahead.

19 A. This is a good example of what I had to do as
20 a manager of the band, quite often.

21 MS. COHORN: Again, we'll object to this on the
22 grounds that it was not produced in discovery in this
23 action.

24 MR. SWYERS: And, again, we'll just believe that
25 it's rebuttal evidence, based upon the testimony of the

1 plaintiffs' witnesses, in that regard. Thank you.

2 MS. COHORN: Well, certainly it was responsive to
3 document requests that were served during discovery.
4 But we can argue that off the record.

5 MR. SWYERS: Well, I'm confident we'll have a time
6 to argue it during the briefing period.

7 Q. But let me just talk to you generally. Before
8 we reference Exhibit 19, Mr. Gilles, just tell us what
9 was going on with Mr. Rickard at this time.

10 A. I'll tell you as a story. Tommy wanted to
11 leave the band because he could not get along with Jeff
12 Fletcher because Jeff Fletcher was constantly badgering
13 Tommy about not only his performance but the
14 performance of the substitutes that he would have play.

15 And, hypocritically, Jeff was, I think,
16 unfairly browbeating Tommy for not putting enough
17 effort into the band, while Jeff was, simultaneously,
18 telling everyone else that Jeff wanted to do less for
19 the band.

20 So -- and this is the kind of thing that would
21 happen regularly. At approximately 10:00 p.m., you
22 know, Jeff would send, you know, a very pointed e-mail
23 to another member in the band, in this case to Tommy,
24 and by 1:00 o'clock in the morning, I would have spent
25 two hours on the phone, from, say, 11:00 a.m. --

1 11:00 p.m. to midnight talking Tommy down and asking
2 Tommy not to quit the band.

3 Q. Again, real quick, why were you the one that
4 would do this?

5 A. Because I was the founding member and the
6 manager. I was the one that everyone went to because I
7 was the guy that started the business and I was the guy
8 that Jay went to. So I was the guy that they went to,
9 so I could go to Jay.

10 Q. All right. So --

11 A. Or they just trusted -- or -- I hate to
12 interrupt, or they just trusted my counsel.

13 Q. So referencing Exhibit 19 now, can you tell us
14 what Exhibit 19 is, please?

15 A. It's basically an e-mail that Jeff had sent to
16 Tommy. And then I -- and it's -- and the two e-mails
17 are, like, three or four hours apart.

18 And then I spoke to Tommy on the phone in
19 between that. Tommy was so angry that he wanted to
20 leave the band. And he states that in the e-mail, that
21 after a long talk with me, "a constructive
22 conversation," as Tommy puts it, and the exciting
23 things that we're about to do, "like the Jackson 5
24 tribute stuff," specifically in "touring the state" --

25 MS. COHORN: Objection. The document speaks for

1 itself. I don't think it's productive to have the
2 witness read from the document.

3 MR. SWYERS: That's fine.

4 Q. And, Mr. Gilles, that's -- that's fine. We
5 will move on. You know, the document will speak for
6 itself.

7 Let me direct your attention to, you know,
8 other members of the band. Mr. McDill, were any
9 tensions -- was Mr. McDill -- what, if any, tensions
10 during this time was Mr. McDill also experiencing?

11 A. Mr. McDill, while he, you know, I would say
12 was responsible for Stevenson Brooks leaving the band
13 because he was unhappy with John -- at this particular
14 time John was going through a divorce, and he was also
15 pulling back from his duties.

16 And to his credit, and I really admire John
17 for this, he was spending a lot of time building a home
18 for his ex-wife and new son. And he was not going to
19 live there and move out of there. So that it was
20 taking the lion's share of his time, that he was
21 single-handedly setting up this home for his ex-wife
22 and son. So he was very difficult to reach, on a
23 business level. And he was going through some personal
24 issues that we all respected. And --

25 Q. And how about Chris Adams?

1 A. At this time Chris Adams was -- oddly enough,
2 he was really focused on the performances, but pulling
3 back on any kind of administrative business work.
4 You'll see how Jay Siegan and everybody else was very
5 frustrated with his inability to refresh the website in
6 time.

7 But was also going through a second divorce
8 in, say, four years. Between 2001 or '02 and 2005 or
9 '06 he had gotten married and divorced twice. He also
10 had tax trouble.

11 And there was a lot of friction that he was
12 causing in the band with Jay, because Jay informed the
13 band that he may have to garnish Chip's wages. And he
14 implored Chip to get his taxes in order so it didn't
15 affect Jay Siegan.

16 So there were a lot of personal issues going
17 on in the band; whereas I felt very stable and I was
18 trying to grow the band with the business, the bank
19 account, and all the radio work.

20 Q. All right.

21 A. And it became -- there was a lot of friction
22 everywhere. But Jay and I stayed very close and tight,
23 and I think Jay and I held it together at that point.

24 Q. So did this -- your desire to grow the band
25 versus others that were sort of pulling back, as you've

1 testified, did that create friction between you and the
2 rest of the performers in the band?

3 A. It created a lot of friction between me, John
4 McDill, Jeff Fletcher and Chris Adams. Because I
5 wanted to say, get back to the Wonderbread 5, Jackson 5
6 tribute, which would have required a lot of work from
7 everybody.

8 Jay Siegan was backing that idea. Tommy
9 Rickard, based on Exhibit 19, shows that he was behind
10 that idea. And, in fact, that's the only reason he
11 states he would want to stay in the band, if we
12 continued to do that business. So it was three against
13 three at that time.

14 Q. As a party to this proceeding, you were able
15 to attend the other depositions in this matter and,
16 specifically, there were some thoughts in regard to
17 other matters.

18 I'd like to turn your attention to some of the
19 thoughts as to why persons thought that you should
20 leave the band or, you know, be forced not to play with
21 the band.

22 At some point -- well, let me ask you: Did
23 there come a time that you became disengaged in your
24 onstage performance?

25 A. Never. No.

1 Q. Is it possible that you could have, you know,
2 had one off-night or anything like that?

3 A. Yes.

4 Q. But on -- excuse me for one moment. Had to
5 hit my cough button. Sorry about that.

6 But, generally speaking, did you show up and
7 perform as you always had?

8 A. Yes. I showed up at every gig that I was on
9 the calendar for.

10 Q. Okay. And you performed as you were expected?

11 A. Yes.

12 Q. Okay. There have been allegations, you know,
13 as to the wholesomeness, I guess, of your behavior,
14 both on and off the stage.

15 MS. COHORN: Counsel, I'm sorry to interrupt. I'm
16 wondering if you can't instruct the witness not to go
17 through the exhibits before he's directed to examine
18 them.

19 THE WITNESS: I'm not reading anything.

20 MR. SWYERS: Absolutely.

21 MS. COHORN: Thank you.

22 THE WITNESS: I'll look this way.

23 MR. SWYERS: Q. Just kindly don't -- if you
24 don't -- but in any event --

25 MS. COHORN: Thank you.

1 MR. SWYERS: Q. -- let's just generally talk
2 about the band for a second.

3 Just give me the whole -- we've talked a lot
4 about Wonderbread 5, but we haven't really learned much
5 about what the stage performances are like.

6 What was the Wonderbread stage performance or
7 experience like?

8 A. It was, I would call, a high-energy,
9 21-and-over, alcohol-infused party every night.

10 Q. I'm trying to think what adjectives would you
11 use to describe performances and, you know, the people
12 who attended the performances reactions to your
13 performances?

14 A. The reactions were very positive, very
15 demonstrative at times. We would invite people
16 onstage. You know, the good thing about the
17 Wonderbread 5 is -- you know, another axiom of bands
18 is, if you can get 50 girls to your show, you can get
19 200 people there. And --

20 Q. How did that axiom work out for you all?

21 A. It worked out very well. We had a very loyal
22 female audience, following audience. And the clubs
23 loved us because the shows were typically sold out.

24 Q. Could it be described as sometimes events
25 would get a little racy?

1 A. Absolutely. It was an adult environment.
2 There was adult language. There was definitely, you
3 know, adult references. The songs we were playing
4 themselves had not just sexual references but direct
5 sexual content, adult content; language, R rated.

6 Q. And this, based upon your impressions of, you
7 know, the band, was generally accepted by the band?

8 A. Promoted by members, performers and audience;
9 promoted.

10 (Registrant's Exhibit 20 identified
11 for the record.)

12 MR. SWYERS: Q. I'd like -- yeah. I'd like to
13 direct your attention now to Exhibit No. 20.

14 Can you identify this for us?

15 A. This is an e-mail between Jay Siegan and
16 myself, again, discussing words for new T-shirts.

17 Q. Okay.

18 A. Where Jay Siegan has an idea for a logo, and
19 then I came back with some -- I'm hoping he's in jest,
20 because I was in jest.

21 Q. Yes. But, I mean, you know, looking at this
22 e-mail, and without using the actual word, because it
23 will speak for itself in the exhibit, but just what was
24 it that Mr. Siegan suggested, you know, for the small
25 Wonderbread 5 logo with -- what did he say?

1 A. Jay Siegan was suggesting that we type the
2 words, "I" f-u-c-k-e-d "the keyboard player,"
3 underneath our logo.

4 Q. Okay. And is this a true and accurate copy of
5 the e-mail --

6 A. Yes, sir.

7 Q. -- between you and Mr. Siegan? Okay. All
8 right.

9 I would like to move on to Exhibit 21, if I
10 may.

11 (Registrant's Exhibit 21 identified
12 for the record.)

13 MS. COHORN: We'll object to this exhibit on the
14 grounds that it's incomplete. If you look at the lower
15 right-hand corner, it indicates that this is Page 46 of
16 108.

17 MR. SWYERS: Yes. And there was also an exhibit
18 produced by the Wonderbread 5, the petitioner in this
19 matter, in discovery, as you can look at the lower
20 right-hand corner for your production Bates stamps.

21 Q. What is this exhibit?

22 A. This is a screen print from the Wonderbread 5
23 Facebook page, October 16, 2011, and October 10, 2011.

24 Q. And, to the best of your knowledge, is this a
25 true and accurate copy of the same?

1 A. Yes, it is.

2 Q. Okay. I'd like to direct your attention to
3 the photo that's at the top left of this page.

4 Can you tell me what's going on in this
5 photograph?

6 A. It shows John McDill playing bass, Chris Adams
7 on the keyboards, and an adult female on her back, on
8 the ground, spreading her legs, with a skirt, with John
9 and Chip looking directly at her lower body.

10 Q. Very well. And you spoke of these types of
11 things were promoted by the band.

12 Is this an example of what's promoted by the
13 band?

14 A. The only person who could put this up would be
15 a performer or someone who had the password to the
16 Facebook page, which would be Jeff Fletcher or Chris
17 Adams.

18 (Registrant's Exhibit 22 identified
19 for the record.)

20 MR. SWYERS: Q. All right. Directing your
21 attention to Exhibit No. 22.

22 Once again, can you identify this?

23 MS. COHORN: I'll pose the same objection.

24 MR. SWYERS: Thank you.

25 THE WITNESS: This is another printout from the

1 Wonderbread 5 Facebook page.

2 MR. SWYERS: Q. And on this page, the picture on
3 the right-hand side with a -- a hand -- well, describe
4 for me the large picture on the right-hand side.
5 What's going on there?

6 A. It is a photo from the PowerHouse Pub, January
7 2011, where it seems an audience member is standing
8 below a performer, which looks like Mike Taylor, and he
9 is pouring a beer into her mouth.

10 MS. COHORN: Counsel, I'm going to object on
11 relevance grounds. I don't see what this has to do
12 with ownership of the registered mark here.

13 MR. SWYERS: There was significant testimony that
14 Mr. Carlin directed during your trial period concerning
15 matters that occurred on stage. And this will be
16 directly relevant to counter what Mr. Rickard and
17 Mr. Siegan testified in regard to Mr. Gilles. I can
18 continue, if you'd like, or not.

19 MS. COHORN: Continue with argument, you mean? I
20 don't think that's necessary.

21 MR. SWYERS: Right.

22 MS COHORN: We can deal with that later.

23 MR. SWYERS: I don't either. I just -- I just
24 wanted to state that. Fair enough. Thank you.

25 Q. So, Mr. Gilles, was, I guess, drinking on

1 stage or pouring drinks into audience members' mouths
2 routine at a Wonderbread 5 show?

3 A. Yes, it was. Chris Adams used to bring what's
4 called a "beer bong" to just about every show. And he
5 would bring, usually, a female on stage, or a couple of
6 females, and provide them with beer bongs. And I was
7 wholly opposed to this because, as a bar owner, I know
8 that drinking competitions and competitive drinking can
9 get you exposed to lawsuits.

10 Q. Yeah.

11 A. And clubs aren't supposed to do that. So,
12 again, I was, you know, opposed to the beer bong, but
13 this went on.

14 Q. Yes.

15 A. I drank beer on stage, also. You didn't ask
16 the question, but I'm answering.

17 Q. And Exhibit 22, is that a true and accurate
18 copy, to the best of your knowledge, of the Facebook
19 page of the Wonderbread 5?

20 A. Yes, sir.

21 Q. All right. Turning to Exhibit 23.

22 (Registrant's Exhibit 23 identified for the
23 record.)

24 MS. COHORN: Same objection on incompleteness
25 grounds, relevance, and time frame as well. These

1 appear to be 2011; Exhibit 22, 21 and 23. And so I
2 think -- because of the time frame, I think they're
3 irrelevant.

4 MR. SWYERS: Thank you.

5 Q. In regard to Exhibit 23, the lower right-hand
6 picture -- and we don't want to get too graphic about
7 this, but can you describe for us what appears to be
8 going on, and in maybe more scientific terms?

9 A. The first time I saw this photograph was in
10 Mr. Thomas Rickard's testimony when opposing counsel
11 provided this photograph, I think it was, in their
12 packet.

13 And it is a photograph of Chris Adams holding
14 a female up in the air. She is on his shoulders;
15 however, her crotch is in his face, and there's words
16 above it, as if this were a promotion for a new show,
17 that says, "Yes, crazy things happen at Wonderbread 5
18 shows. Let's just hope this isn't one of them
19 tomorrow." And then, below, there's an offer to come
20 see them perform.

21 Q. Yes. All right --

22 MS. COHORN: Counsel, pardon the interruption.
23 I'm sorry. I just wanted to clarify for the record, I
24 believe I misspoke when I said 23 was from 2011. I
25 believe it's 2013. Thank you.

1 MR. SWYERS: Yeah, it is. It does say that.

2 And, also, as the witness has pointed out, I
3 believe these are already of record by Mr. Rickard's
4 testimony.

5 In any event, moving on.

6 Q. And I'm sorry; to the best of your knowledge,
7 is Exhibit 23 a true and accurate copy of this Facebook
8 page?

9 A. It is true and accurate. And when I said this
10 is the first time I've seen the photo, I have actually
11 seen this particular scenario numerous times at shows
12 on stage.

13 Q. Directing your attention to Exhibit No. 24.
14 (Registrant's Exhibit 24 identified for the
15 record.)

16 MS. COHORN: Quickly pose the same objection on
17 relevance and completeness grounds.

18 MR. SWYERS: Thank you.

19 Q. On this exhibit, if I could kindly direct your
20 attention to the top right-hand corner and grouping of
21 pictures and, specifically, I believe there are four,
22 one large and three smaller, pictures underneath it in
23 the top right-hand.

24 The furthest to the -- I'm sorry; the bottom
25 right and the top left-hand grouping of pictures --

1 okay. Hopefully, I got that right.

2 Can you tell me what appears to be going on in
3 that picture?

4 A. So on that picture in the far right, there
5 appears to be three women. The middle woman is the
6 same woman in the picture above, which Mike Taylor has
7 his arms around, holding a beer. In the lower picture,
8 the girl next to her to the right is pulling her shirt
9 down and exposing her left breast.

10 Q. Now, for the record --

11 MS. COHORN: I don't --

12 MR. SWYERS: Q. -- it appears that they've
13 been --

14 MS COHORN: -- see that.

15 MR. SWYERS: I'm sorry; did you want to say
16 something?

17 MS. COHORN: I'm sorry. I don't see that, so I'm
18 going to object to the extent that misstates the
19 exhibit.

20 MR. SWYERS: And I think, ultimately, the exhibit
21 will speak for itself. So . . .

22 Q. So the -- it appears that the actual -- well,
23 there's been some boring out of things, but is --

24 A. I'll restate. She is pulling her upper
25 garment aside, exposing her lower garment.

1 MS. COHORN: I stand by the objection.

2 MR. SWYERS: Q. Women exposing themselves, is
3 that something that happened frequently at your
4 performances?

5 A. Yes.

6 Q. And the band's reaction would be what?

7 A. Jeff would typically try to take a photograph
8 of it, and Chris Adams would typically try to meet that
9 girl.

10 Q. Again, is this a true and accurate copy of the
11 Facebook page?

12 A. Yes, it is.

13 Q. Okay. During prior testimony, there was a
14 particularly interesting allegation that you had said
15 something to the effect of, or threatened another band
16 member, saying something to the effect of, "I will kill
17 you and your whore wife." And there may have been
18 reference to children, as well, in the statement.

19 Can you comment on that, please?

20 A. The first time I heard that statement was in
21 testimony by the petitioners. And it is false. That's
22 not something I would ever say, not something I ever
23 did say. I don't understand the basis for it. But a
24 lot of things were said in testimony that were untrue.
25 And that statement is untrue and shameful; actually

1 embarrassing for who says it and repeats it.

2 Q. All right. There is also testimony that you
3 attacked a member of the audience one evening.

4 Can you can you comment or tell us about what
5 happened that evening?

6 A. We were playing a live show in Benicia, and it
7 was a public event, so underage people were invited.
8 And Tommy Rickard also testified a bit to this. There
9 was a -- it was -- there was a lot of people in front
10 of the stage pushed against the stage. I noticed below
11 me that there were three young ladies and a young male.
12 They were probably -- I mean, I have a 14-year-old
13 daughter now, so, looking back, they were probably 14
14 or 15 years old, maybe younger.

15 And there were two young men holding red cups,
16 and I could see there was beer inside the cups, so I'm
17 assuming they were 21 years old. They were going up to
18 girls and bumping and grinding them with their pelvis.

19 Directly in front of me, this one guy was
20 bumping and grinding the middle girl, and she looked up
21 at me, and I could hear her say, "Help me." I called
22 for security, and there was no -- I realized there was
23 no security on the stage.

24 I quickly turned around --

25 Q. Did --

1 A. Go ahead.

2 Q. Did any of the other band members call for
3 security, if you recall?

4 A. I heard another band member call for security,
5 and I think it was Jeff, because typically he was on a
6 microphone. And if the other guys weren't saying they
7 weren't near a mic, but I can't be sure; but, yes.
8 Tommy also testified that other people were calling for
9 security.

10 (Reporter interruption.)

11 MR. SWYERS: Q. And, if I may, let's not talk
12 about what Tommy testified to; let's just deal with the
13 facts today.

14 So what happened? What did you do?

15 A. So she asked for me to help her. She said,
16 "Help me." And I saw the man's hand creep up and touch
17 her chest.

18 So I put my guitar down and I jumped between
19 them to separate them. He fell back and landed on his
20 backside. So I'm standing there. Everyone turns
21 around. The music does not stop; the band does not
22 stop.

23 The young man begins to get up and get in a
24 fighting position. And, out of the corner of my eye, I
25 see this older gentlemen with sunglasses and a beard

1 just come to the -- from the right and grab him in a
2 bear hug and take him to the left, and he goes away.

3 And I was shaken by it. I walked all the way
4 back around, picked up my guitar and finished the song.
5 And the band never stopped.

6 And I will just say, I turned and looked at
7 the band, and they all just stared at me.

8 Q. Right. And --

9 A. After that -- it's important, that after
10 that -- after that -- after the break, that was our
11 first set, those three girls and that guy came back
12 with their mother and thanked the entire band for
13 helping. And the entire band signed stickers and
14 T-shirts for that girl. They took credit for helping
15 save her.

16 Q. Okay. Thank you.

17 Now, there was also testimony that on the last
18 night that you performed with Wonderbread 5 you had
19 forgotten the uniform that you were supposed to be
20 wearing that night.

21 Before we get to that, tell me about the
22 importance of the actual uniform. Why, if at all, is
23 it important that you guys wore coordinated outfits?

24 A. We -- we rarely wore coordinated outfits, but
25 when we did, it was usually for a corporate event. We

1 would buy those for the corporate event, and then we
2 would get mileage out of them, in use, by wearing them
3 at the club shows. But they would typically, like all
4 of our outfits, get dirty and sweaty and ripped.

5 And so they were a nice look, but it was
6 expensive. As you can see, from most of the photos,
7 there's not a lot of coordination. But on the website,
8 there are coordinated outfits. It just --

9 Q. All right.

10 A. -- was a decision we made to look
11 professional.

12 Q. On the last night that you did perform with
13 Wonderbread 5, you know, did you wear the correct
14 outfit?

15 A. Actually, the last night we performed
16 together, yes, I did. But the --

17 Q. I apologize. Did there --

18 A. -- The Last Day Saloon, the week before --

19 Q. -- come a time that you did not wear the
20 correct outfit?

21 A. The week before I wore a white suit with a red
22 shirt, as opposed to multiple-colored tuxedos.

23 Q. Okay. Had anyone else ever forgotten a
24 specific outfit they were supposed to wear?

25 A. Yes, many times. And I would say that at -- I

1 can give you two specific examples. But every person
2 that I've performed with in that band has either left
3 an outfit or forgot an outfit.

4 Specifically at one point, Jeff Fletcher
5 borrowed an outfit from me in Lake Tahoe because he
6 left his entire bag. Tommy Rickard cancelled a very
7 expensive photo session because he forgot his matching
8 outfits. One time Chris Adams not only forgot his
9 outfit, but he forgot his body. He missed a show. He
10 forgot to go to a show. He showed up at the --

11 Q. Have you ever forgotten a show?

12 A. I've never forgotten a show or not shown up on
13 a date in my life.

14 Q. Which do you consider to be a greater offense,
15 forgetting a show and not showing up, or coming in the
16 wrong clothes?

17 A. I would say completely forgetting a show and
18 embarrassing the band and threatening the brand of the
19 band with a corporate client at a \$7,000 gig is far
20 more damaging than wearing a white suit next to a
21 tuxedo.

22 (Registrant's Exhibit 25 identified for the
23 record.)

24 MR. SWYERS: Q. Okay. Directing your attention
25 to Exhibit No. 25. Can you identify this for us?

1 MS. COHORN: Petitioner objects on the grounds
2 this was not produced during discovery.

3 MR. SWYERS: Q. You may continue.

4 A. This is a letter from Jeff Fletcher to myself,
5 Tommy, John and Chip, also known as Chris, stating that
6 we were going to cancel a photo session that Pat and
7 Mike Jacobson, not Mike Taylor, spent a lot of work and
8 personal money doing a very important photo session.
9 Because I was the manager of the band and Jay was the
10 booking agent, and needed photos, and I coordinated the
11 photos and went out of pocket. And Jeff Fletcher
12 cancelled it because Tommy forgot his outfit.

13 Q. Did Tommy get forced out of performing with
14 the band as a result of that?

15 A. Tommy was not forced out of the band for that,
16 nor was Tommy forced out of the band for losing \$2,000
17 in cash.

18 MS. COHORN: Move to strike as nonresponsive.

19 MR. SWYERS: Okay. Can we go off the record for a
20 brief moment?

21 MS. COHORN: Sure.

22 (Brief recess.)

23 MR. SWYERS: Back on the record, please.

24 Q. All right. Continuing, I would like to direct
25 your attention, Mr. Gilles, to the dates March 8th and

1 March 9th, 2009.

2 Are you generally familiar with that time
3 frame?

4 A. Yes.

5 Q. Okay. I believe it was March 8th, 2009.

6 Do you recall where the Wonderbread 5
7 performed that evening?

8 A. It was, like, Utah or Idaho.

9 Q. Okay. And this -- would this have been the
10 last time that you performed with Wonderbread 5?

11 A. Yes.

12 Q. Okay. Tell us about the show. How was it?

13 A. I thought it was a great show. It was a
14 really neat wedding at a ski resort during off season.
15 I thought it went really well.

16 Q. Now, during the show, what, if any, knowledge
17 did you have that -- I'm trying to say this in the
18 right way.

19 What, if any, knowledge did you have that you
20 were about to be forced not to perform with the band
21 anymore?

22 A. I had no knowledge whatsoever.

23 Q. Okay. So in your view, it was business as
24 usual?

25 A. Yes.

1 Q. Okay. I would like to direct your attention
2 to Exhibit No. 26.

3 (Registrant's Exhibit 26 identified for
4 the record.)

5 MS. COHORN: In addition to the standing
6 objections, we will further object to this document on
7 the grounds it was not produced during discovery.

8 MR. SWYERS: Q. Can you identify this for me,
9 please?

10 A. This is an e-mail that begins with me sending
11 to Jay Siegan requesting reimbursement for my rental
12 car expense and insurance expense that I went out of
13 pocket for to drive the band from -- to and from the
14 airport and other places.

15 Then it goes to an e-mail from Jay to Sarah
16 and Tommy Rickard with a quick request to "please
17 incorporate into breakdown."

18 Q. Okay. And is this a true and accurate copy of
19 those e-mails?

20 A. Yes, it is.

21 Q. What does this show us?

22 A. It shows us that I was still very involved in
23 the day-to-day operations of the band and I was
24 involved in all the money out to support the travel,
25 and that I was taking a direct and active hand in

1 getting the band to and from the show safely and
2 comfortably.

3 Q. I was just going to say, why -- what's the
4 purpose for a rental car expense in this regard?

5 A. To take the band to and from the airport. It
6 was always my job to -- I think I was the only one with
7 a credit card, for the first seven or eight years. It
8 just was my job that I did for the band every time.

9 Q. All right. So this would have been a rental
10 car when you got to your destination; you actually flew
11 to the designation?

12 A. We would fly to the destination, I rent the
13 car, I drive the car and then pay for the car, return
14 the car, and then get reimbursed, before anybody gets
15 paid. So I'm spending the band's money before we get
16 paid. But . . .

17 Q. After this show, did there come a time that
18 you were told no longer to show up and perform?

19 A. Yes.

20 Q. Tell us about that, please.

21 A. I received a call from Chris Adams on, I think
22 it was March 10th. And his first words were very quick
23 and brief and said, "You're out of the band." And I
24 laughed. I was waiting for him to, basically, tell me
25 what he called me for.

1 And when I realized that he was -- he was
2 serious about his words, I -- my response was, "You
3 can't do that. I'm on the calendar. I have shows
4 booked. I'm running this band."

5 Q. Okay.

6 A. And then he --

7 Q. What happened there -- thereafter?

8 A. So then he basically -- I remember his --
9 his -- the two things he said to me was -- one was
10 "Don't embarrass yourself." Because I was pleading.
11 And I -- I fully admit that I was pleading. And I was
12 pleading not only on my own behalf, but on their better
13 judgment, to appeal to better judgment, because they
14 were making a huge, huge mistake. If I'm guilty of
15 anything, is I file paperwork and pay fees.

16 So then I said, "I'm going to show up on
17 Wednesday, tomorrow, in Sacramento at the show."

18 And he said, "No, you're not."

19 And I said, "You can't stop me. I'm on the
20 calendar."

21 And he says, "If you show up, we will stop
22 you. You will never make it to the stage."

23 Q. Let me stop you right there. When was the
24 next show?

25 A. Oh, it was a Wednesday. I think I got called

1 on a Tuesday, and the next show was the next day. It
2 was a \$6,000 private party in Sacramento.

3 Q. All right. And literally it was the next day?

4 A. It was either the next day or the day after.
5 I can't remember if the 10th was a Monday or Tuesday.

6 Q. How would they perform without a guitar
7 player?

8 A. I remember it was three one-hour sets. So it
9 was a lot of work. In fact, I was rehearsing for that
10 show because it was three full hours of music, and we
11 typically only played two sets.

12 So for them to have someone play three sets,
13 that person needed to put a lot of work in to prepare
14 for that show.

15 Q. And so did there come a time that you
16 ultimately found out they had someone to step in to
17 that show?

18 A. I did. I checked the website, because there
19 were pictures taken at every show, and I checked the
20 website to see, but there were no pictures from that
21 show. Subsequently no pictures for any shows for the
22 next week or so.

23 And, you know, I'm out on the street asking
24 questions, and I learned that Mike Taylor was now the
25 new guitar player for this Wonderbread 5.

1 Q. Now, in your -- in your opinion, based upon
2 what you've just testified to, could Mr. Taylor have
3 been ready for that show on 12 hours' notice?

4 A. With my previously disclosed 35 years of
5 experience playing guitar, it would be a colossal feat.
6 I would say no.

7 Q. So he would have had to have known he was
8 stepping in to replace you before that?

9 A. For days or weeks, depending on how many hours
10 a day he was prepared to rehearse.

11 Q. Okay. Did there come a time after you spoke
12 with Chris Adams that you spoke with any other members
13 or performers of the band?

14 A. That same -- I'm sorry. That same night I
15 next spoke to Jay Siegan, and Jay basically acted as if
16 he didn't know this was happening. "I had no idea this
17 was happening."

18 But he did qualify and say, "There's nothing I
19 can do. This is a person" --

20 Q. How did you take that?

21 A. Well, he, after all, is only the booking agent
22 and had no vote or any say, ever. So it was probably a
23 very true statement. There was nothing he could do.

24 Q. Okay. Did you talk to any other performers in
25 the band that night?

1 A. I talked to Tommy Rickard, lastly. And he
2 basically said the same thing Chip did. He was a
3 little more -- he felt sorry for me, but I noticed
4 something really angry about him. And I hadn't heard
5 it for a long time, since he and I had some friction in
6 the band earlier. But he basically said the same thing
7 to me, "If you show up that night, you won't even make
8 it into the venue."

9 Q. What did that mean, in your impression?

10 A. It meant they were physically going to prevent
11 me from getting in there, violently, or they were going
12 to restrain me or tie me up.

13 Q. Well, did there come a time -- and I guess
14 this is a -- if you can remember, to the best of your
15 recollection, what were the actual words used by
16 Mr. Rickard?

17 A. I think he said, "It will get physical." I
18 think he said, "Don't show up or it's going to get
19 physical." And I had previous experience from Tommy
20 being physical, so I took that as a warning.

21 MS. COHORN: Move to strike the last sentence as
22 nonresponsive.

23 MR. SWYERS: Fair enough.

24 Q. And, you know, speaking of that, given what
25 Mr. Rickard said to you in March of 2009, tell us why

1 you took it at face value for his word. Had there been
2 any history between you and Mr. Rickard?

3 A. Yes. I had seen Tommy fight other people
4 after shows; during shows he would restrain people,
5 push people. In particular, one night at the Red Devil
6 Lounge, he attacked me violently and choked me after a
7 conversation over batteries that I supposedly was
8 supposed to provide.

9 And he subsequently apologized for his anger
10 and explained it, that he's got a lot going on in his
11 life. But I remember being very, very, very afraid.
12 And I physically felt his power over me. He's a much
13 stronger person than I am.

14 Q. And let's talk about this night. So what was
15 this battery incident which occurred?

16 A. So, again, Jeff kept taking things off his
17 plate. Jeff is the lead singer in the band. And there
18 is only one wireless microphone for the lead singer. I
19 have a guitar; John has a guitar. Our hands are -- our
20 hands are occupied, so we have mic stands.

21 Jeff Fletcher did not want to carry around the
22 wireless microphone anymore. And, it's in an e-mail
23 from Tommy, that I took it on. As the manager of the
24 band, as the guy that wanted to always just make sure
25 things got done, I took on the job of carrying this new

1 wireless microphone for the lead singer. And when I
2 got there, there were no batteries for it, so the
3 wireless microphone wasn't going to work.

4 And I got into what I would call an argument,
5 not just a disagreement, with Jeff. And I said, "You
6 expect me to haul your stuff around and buy your
7 batteries? You're mistaken."

8 And then Jeff said something, you know, about
9 my ability to carry a wireless microphone and not
10 knowing what needs to be done.

11 And, for some reason, Tommy stepped in,
12 because Jeff and I -- I thought he was trying to break
13 up the argument. Tommy stepped in and grabbed me by
14 the throat and held me against the wall and started
15 yelling. And, quite frankly, I don't remember his
16 words because I felt the air sort of leaving my head.

17 Q. Okay. And when you say grabbed you by the
18 throat, you mean -- because there's been testimony on
19 this; can you clarify, where did his hand land on you?

20 A. His right or left hand was under my chin,
21 around my throat, and his other arm was across my
22 chest, arm barring me against the wall.

23 Q. Okay. And was it -- well, describe your
24 ability to breathe during this time.

25 A. Slowly diminished.

1 Q. Okay. Did he have his hand on your shoulder
2 at all?

3 A. It was like an arm bar, so I would say no.
4 His arm was across -- one arm across my chest; the
5 other hand was on my neck under my chin.

6 Q. Okay. Did there come a time that Mr. Rickard
7 apologized for battering you?

8 A. The next day --

9 MS. COHORN: Argumentative.

10 Excuse me. Go ahead.

11 MR. SWYERS: Q. You can continue.

12 A. The next day he sent a long, apologetic e-mail
13 touting how much I support him and how I've been such a
14 good friend to him, and he'll never let any kind of
15 violence like that ever happen again; he feels
16 embarrassed for himself, he was embarrassed for doing
17 that in front of my employees, because I owned the
18 venue that he assaulted me in.

19 (Registrant's Exhibit 27 identified
20 for the record.)

21 MR. SWYERS: Q. And referencing Exhibit No. 27,
22 would you kindly take a look at that for me, please.

23 MS. COHORN: In addition to the standing
24 objections, Petitioner objects to this document on the
25 grounds it was not produced during discovery.

1 MR. SWYERS: Again, we believe this goes to
2 rebuttal evidence.

3 Q. Mr. Gilles, just briefly tell us what this is.
4 You don't have to read it for us. What is this?

5 A. It's a true and accurate statement of him
6 admitting to the violence and apologizing and promising
7 it won't happen again. And also touting how wonderful
8 of a person I am and how much he learns from me as a
9 musician and a man.

10 Q. Is this an e-mail from Mr. Rickard to you?

11 A. That is correct.

12 Q. Okay. Thank you.

13 Now, returning, then, fast-forwarding back to
14 March of 2009. So this prior incident in 2006, what,
15 if any, role did this prior assault have on you in
16 regard to Mr. Rickard and Mr. Adams' threats that you
17 no longer show up and play with your band?

18 MS. COHORN: Leading and argumentative.

19 Go ahead.

20 THE WITNESS: Oh.

21 MR. SWYERS: Q. You can answer.

22 A. I was absolutely confident, based on this
23 experience, his volatility, and also Mr. Adams's
24 instability, that it would have been a mistake on my
25 part to show up. It would have probably resulted in

1 physical violence to me. And, also, I know this is
2 hard to believe, but would have gotten them in a lot of
3 trouble. And I tried to avoid that at every turn and
4 appeal to their better judgment.

5 Q. All right. So did you show up at the band's
6 subsequent shows?

7 A. I -- no. I did not feel safe. I didn't go --
8 see any shows. I didn't spy on what they were doing.
9 I felt comfortable that I was still the founder and
10 owner of Wonderbread 5.

11 Q. What did you do instead?

12 A. I started quickly -- it was 2009. So the
13 economy was tanking. I had just lost all of my income.
14 So I went through all my paperwork. I sought to secure
15 all my intellectual property from the band, and I
16 started looking for other work, specifically, you know,
17 manual labor; anything I could. We sold our minivan.

18 Q. Did there come a time that you filed a lawsuit
19 about this?

20 A. Yes.

21 Q. Okay. Do you remember what court that was
22 filed in?

23 A. San Francisco Superior Court.

24 Q. Okay. And what were you seeking in that
25 action?

1 A. Loss of wages and emotional distress.

2 Q. Okay. Now, what was the result of that
3 litigation?

4 A. We attempted to dismiss the claim, but we were
5 unable.

6 (Registrant's Exhibit 28 identified
7 for the record.)

8 MR. SWYERS: Q. Okay. And looking at exhibit --
9 or directing your attention to Exhibit 28, can you
10 identify this for us?

11 A. This was a letter sent from David M. Given to
12 Douglas B. Wroan. David M. Given was counsel for the
13 defendants, and Doug Wroan was my counsel.

14 Q. Okay. And as you'll see on the bottom of Page
15 Exhibit 28, there are our Bates numbers 000039 and
16 000040.

17 Referencing 000040 of Exhibit 28, tell what
18 you say this is.

19 A. This was a breakdown of the settlement that
20 was composed by Phillips, Erlewine & Given, LLP, for,
21 it says, gross income, loss of wages, basically. Ah --

22 MS. COHORN: Misstates the document.

23 THE WITNESS: It -- I understand it to be loss of
24 wages and deductions for severance, prepaid, money
25 received, totaling \$30,000, rounded.

1 MR. SWYERS: Q. Okay. Is there any mention on
2 this page in reference to, you know, intellectual
3 property of the band?

4 A. No, sir.

5 Q. You know, I want to actually direct you back,
6 if I may, to 39 -- Exhibit 28, then Bates stamped
7 000039. And specifically, I'm going to call it the
8 second full paragraph, which begins, "Our August 25th
9 letter."

10 Can you read for me the second line of the
11 second full paragraph which -- well, that begins, "As
12 previously discussed"?

13 A. "As previously --"

14 Q. Can you read that line for me?

15 A. "As previously discussed, the band has no
16 assets or known liabilities, and therefore no
17 liquidation value, and no balance sheet or income
18 statement is available."

19 Q. "No balance sheet or income statement is
20 available." Can I now -- and this is going to be a
21 little tricky. Can I reference you all the way back to
22 Exhibits 14 and 16?

23 A. I'm at 14.

24 Q. Okay. And 16 as well. What are 14 and 16, to
25 the best of your recollection?

1 MS. COHORN: Asked and answered.

2 THE WITNESS: A -- an agreement and balance
3 sheets, income statements.

4 MR. SWYERS: Q. All right. So flash-forwarding
5 back to Exhibit 28, so is it fair to say that the
6 statement that there's no income statements available,
7 in this letter, is not accurate?

8 A. Yes.

9 Q. Okay. Thank you.

10 Mr. Gilles, what, if any, documents have you
11 ever signed transferring your ownership interest in the
12 band?

13 A. None.

14 Q. What, if any, documents have you ever signed
15 transferring your ownership in the trademark
16 Wonderbread 5?

17 A. None.

18 Q. Did there come a time when you applied to
19 register the trademark Wonderbread 5 with the U.S.
20 Patent and Trademark Office?

21 A. Yes.

22 Q. When was that?

23 A. March 11th or 12th.

24 (Registrant's Exhibit 29 identified
25 for the record.)

1 MR. SWYERS: Q. And I apologize. Kindly refer to
2 Exhibit 29, if you would like. That's actually --
3 well, you can tell us what it is.

4 A. March 12th.

5 Q. What is exhibit -- okay. What is Exhibit 29?

6 A. It is a stamped, certified copy of my
7 ownership of Wonderbread 5 trademark.

8 Q. Okay. And at the time that you filed for the
9 trademark, did you believe that you were the rightful
10 owner of the trademark ?

11 A. Yes.

12 Q. Do you still believe that?

13 A. Yes.

14 Q. And is that based upon the matters which we
15 have discussed today?

16 A. Absolutely. Yes.

17 (Registrant's Exhibit 30 identified
18 for the record.)

19 MR. SWYERS: Okay. At this point I'd like to just
20 make a statement for the record.

21 Ms. Cohorn and I have, I believe, entered into
22 a limited stipulation in reference to what we have
23 marked as Exhibit 30. And I will attempt to be brief.

24 Mr. Gilles, I do not want you to comment on
25 this, if that is okay.

1 I believe counsel have entered into a
2 stipulation as to the authenticity and, generally, the
3 admissibility of what we have marked as Exhibit 30,
4 without witness testimony, subject, of course, to all
5 trial objections, other trial objections, and, of
6 course, relevancy, at the time, should such be deemed
7 relevant at some juncture during the trial of this
8 matter.

9 Ms. Cohorn, would you like to have an
10 opportunity to speak to that?

11 MS. COHORN: Just to confirm, we are stipulating
12 to the authenticity of these documents, that they were
13 sent and received when they purport to have been sent
14 and received.

15 We reserve the right to make any proper
16 objections, depending on how these documents may be
17 used in the briefing period and trial submissions.

18 MR. SWYERS: Thank you. I believe that's -- I
19 believe that works for everyone. All righty.

20 Q. Mr. Gilles, back to you.

21 Has there come a time in which you have
22 granted anyone the right to use your likeness to
23 promote the petitioner's services being offered under
24 your trademark since you were forced not to perform
25 with the band?

1 A. I have not permitted any use of my likeness,
2 no.

3 Q. Has there come a time that you have become
4 aware that petitioner is still using your likeness to
5 promote the band?

6 A. Yes.

7 (Registrant's Exhibit 31 identified
8 for the record.)

9 MR. SWYERS: Q. All right. Kindly direct your
10 attention to Exhibit No. 31.

11 Can you tell us what this is?

12 A. This is a printout of an advertisement for the
13 Wonderbread 5 dated August of 2012. And it is a
14 photograph of Jeff, Chris, Tommy, myself and John.

15 Q. Okay. If I'm looking -- just so, you know,
16 the record is clear, I'm looking at the photograph in
17 the dead center that has five individuals in the center
18 of it. The one picture with five individuals, starting
19 from right to left, tell me who each individual is.

20 A. From the right is Jeff, with the white hair;
21 Chris, with the dark sunglasses and no wig; and then
22 Tommy Rickard in the middle; then myself; and then,
23 finally, John McDill with the headband and sunglasses.

24 Q. Okay. Is this a true and accurate copy of
25 this document?

1 A. Yes, it is.

2 (Registrant's Exhibit 32 identified
3 for the record.)

4 MR. SWYERS: Q. Okay. And directing your
5 attention to Exhibit No. 32. This one may be a little
6 bit more difficult. Can you tell me what this is?

7 A. This is an advertisement hosted by Sonoma
8 County.TV for a Wonderbread 5 performance in Sebastopol
9 in January of 2012 with a photograph, from the right,
10 John McDill, then Tommy Rickard -- I'm sorry. John
11 McDill first, on the right. Next to him is Chris
12 Adams. In the center is Jeff Fletcher, and the next
13 person is Tommy Rickard, and on the far left is myself.

14 Q. Okay. It sounded like we had Tommy Rickard
15 twice in this picture.

16 A. No, it's -- I'll go from the right to the left
17 again quickly: John, Chris, Jeff, Tommy, Pat.

18 Q. Pat. Okay. Thank you.

19 And what was the date of this, if you can
20 tell?

21 A. January 12 -- January 13, 2012.

22 Q. And I believe its abundantly clear, you were
23 no longer performing with these petitioners, correct?

24 A. Correct.

25 Q. Okay. Is this a true and accurate copy of

1 this advertisement?

2 A. Yes.

3 Q. Okay.

4 (Registrant's Exhibit 33 identified
5 for the record.)

6 MR. SWYERS: Q. Moving to Exhibit 33, please.

7 Can you identify for the record what this is?

8 A. This is a printout of a YouTube search. And
9 it's being hosted -- it's a video hosted by Mr. Chip
10 Adams. And the video is titled "Wonderbread 5 Promo
11 Video 2008."

12 Q. Okay. And when was -- well, when did you
13 collect this?

14 A. This printout was done in August of 2012.

15 Q. Can you identify where you are in this
16 picture?

17 A. I am in the background standing to the left
18 with striped sneakers. And then in the foreground, I'm
19 in the video window in a freeze frame.

20 Q. Is that you with the guitar?

21 A. Yes. Once clicking on this video, I can be
22 heard singing and playing guitar, and seen.

23 Q. Okay. Is this a true and accurate copy of
24 this downloaded page?

25 A. Yes, it is.

1 (Registrant's Exhibit 34 identified
2 for the record.)

3 MR. SWYERS: Q. Okay. Turning to Exhibit 34.
4 Can you identify what this is, please?

5 A. This is a YouTube search from Google. And it
6 is the Wonderbread 5 promo video 2008. And it is,
7 again, my performance --

8 Q. All right.

9 A. -- image.

10 Q. Where are you in this screen shot that we're
11 looking at?

12 A. I'm in the center of the page, in the center
13 right of the frame, half body, black wig. To the
14 left --

15 Q. With the guitar?

16 A. With the guitar.

17 To the left of me, Tommy Rickard on drums.

18 Q. Is this a true and accurate printout of this
19 screen shot as well?

20 A. From June 2012, yes.

21 (Registrant's Exhibit 35 identified
22 for the record.)

23 MR. SWYERS: Q. Okay. Now, turning your
24 attention to Exhibit No. 35, please. What is this?
25 Can you identify this for us?

1 A. This is a printout of Jay Siegan Presents, Jay
2 Siegan's website, and it's promoting the Wonderbread 5.

3 And I find it very confusing. In a picture to
4 the left, you'll see a picture of five people in a "V"
5 shape. From the right, it's Tom Rickard, Chris Adams,
6 Jeff Fletcher, John McDill and Michael Taylor.

7 And then if you look to your right, under
8 "Wonderbread 5," it says, "What does it cost to hire
9 Wonderbread 5," and there is a video link below. And
10 it's a freeze frame of me in the foreground and John
11 McDill in the background, and it's a video.

12 There are other photographs of partial groups
13 of people. It's dated March 2012.

14 Q. Okay. And just so the record is clear,
15 there's been testimony in regard to Wonderbread 5's
16 booking agent by the name of Jay Siegan.

17 What, if any, relationship does this website
18 have to the person we have been discussing today, Jay
19 Siegan?

20 A. The URL that was searched was Jay Siegan
21 Presents, which directed me to jaysieganpresents.com.

22 Q. Is this Mr. Siegan's website?

23 A. It is Mr. Siegan's website.

24 Q. And is this a true and accurate copy --

25 A. Yes.

1 Q. -- of a printout from that website?

2 A. Yes, it is.

3 (Registrant's Exhibit 36 identified
4 for the record.)

5 MR. SWYERS: Q. Thank you.

6 Moving on to Exhibit No. 36. Can you tell us
7 what this is, please?

8 A. This is a printout from the Wonderbread 5
9 Facebook page from March 2012.

10 Q. Okay. And do you appear anywhere on this
11 Facebook page?

12 A. I do. Under "Videos" tab, "Wonderbread 5,
13 promo video 2008 by Mr. Chip Adams." Above is a
14 picture with the four -- I think it's all the
15 petitioners, including Mike Taylor. And so it's
16 confusing me again.

17 Q. All right. And, again, is this a true and
18 accurate copy of this?

19 A. Yes, it is.

20 (Registrant's Exhibit 37 identified
21 for the record.)

22 MR. SWYERS: Q. Okay. Thank you.

23 You know, directing your attention to Exhibit
24 No. 37, what are we looking at here?

25 A. This is a general Google search to see what

1 first pops up, if you search Wonderbread5.com, done on
2 April of 2012. The first line is "Wonderbread 5.com
3 official site." The next line is "Wonderbread 5 free
4 music tour dates." Next line is "Wonderbread 5
5 Facebook," and the third line is "Wonderbread 5
6 promotional video," where you see the first thumbnail
7 picture, and there's a photograph of me and John
8 McDill.

9 Q. Which one are you, the one on the left or the
10 right?

11 A. I'm the one on the left.

12 Q. Okay. All right. And is this a true and
13 accurate copy of that printout?

14 A. Yes, it is.

15 (Registrant's Exhibit 38 identified
16 for the record.)

17 MR. SWYERS: Q. All right. Directing your
18 attention now to Exhibit No. 38, can you tell what this
19 is?

20 A. This is Wonderbread 5's official website video
21 page showing --

22 Q. All right.

23 A. From April of 2012, again showing me in the
24 foreground with the guitar, on the right, and Tommy
25 Rickard on the left.

1 Q. Okay. And is this a true and accurate copy of
2 this page as well?

3 A. Yes.

4 (Registrant's Exhibit 39 identified
5 for the record.)

6 MR. SWYERS: Q. Now, Exhibit No. 39, what are we
7 looking at here?

8 A. This is a third-party promoter event booker by
9 the name of Joel Nelson. And on his page, if you do a
10 search for Wonderbread 5 and want to hire the band
11 through him, you not only see a still photograph with
12 me, you also see a video, which is actually an older
13 video from 2002. And it's hard to make out, but it's
14 me singing lead vocals. This is dated August 2012.

15 Q. Okay. In general, Mr. Gilles, how did these
16 other producers or booking agents, whatever the case
17 may be, how do they get these photographs of
18 Wonderbread 5?

19 A. From Jay Siegan.

20 MS. COHORN: Excuse me. I want to object that
21 this entire line of questioning and exhibits is
22 irrelevant to the issues in this petition.

23 MR. SWYERS: Thank you.

24 I believe that based upon testimony of prior
25 witnesses and things that have been put forward, it

1 will be very relevant, as it were.

2 Q. You may continue. If you know.

3 And to restate the question: Do you know how,
4 if at all, the band's photographs are distributed to
5 these other websites?

6 A. So that photograph that we're looking at was
7 taken at my home. And the only way to get that would
8 have been to get it from Jeff Fletcher, myself, or Jay
9 Siegan.

10 Q. Did you provide this photograph to
11 Mr. Nelson --

12 A. I do not.

13 Q. -- if you remember?

14 A. I did not.

15 Q. Is this a true and accurate copy of this?

16 A. Yes, it is.

17 (Registrant's Exhibit 40 identified
18 for the record.)

19 MR. SWYERS: Q. Turning your attention to Exhibit
20 No. 40 now, can you identify this, please?

21 A. This is a printout from Wonderbread5.com's
22 home page dated August 2012. And it -- the primary
23 center of the page is promoting a Wonderbread V,
24 Wonderbread 5, show at the Hop Monk Tavern in
25 Sebastopol, stating "The white bread hip hop monks of

1 Sonoma County."

2 Q. Now, are you featured on this or not?

3 A. I am not.

4 Q. Okay. Well, I think we'll move on from that
5 one, then. All right.

6 (Registrant's Exhibit 41 identified
7 for the record.)

8 MR. SWYERS: Q. Exhibit No. 41, can you tell me
9 what this is?

10 A. This is eMusicConnection.com, and it's a
11 website a person would go to if they wanted to book a
12 band through this website. And if they chose the
13 Wonderbread 5, they would see a photograph of me.

14 Q. Okay. And what was the date that this was
15 taken?

16 A. April 2013.

17 Q. And is this a true and accurate copy of the --
18 this website?

19 A. "The Wonderbread 5 now perform" -- yes. This
20 is true and accurate.

21 (Registrant's Exhibit 42 identified
22 for the record.)

23 MR. SWYERS: Q. Turning your attention to
24 Exhibit 42, can you tell us what this is?

25 A. This is the Myspace page, slash, Wonderbread 5

1 music page. On this page you can listen to music
2 tracks. There's a photograph of, from right to left,
3 Mike Taylor, John McDill, Jeff Fletcher, Chris Adams
4 and Tommy Rickard.

5 However, if you click on the music, you hear
6 everyone but Mike Taylor, but you hear my performance
7 on "I Want You Back," "Rock Your Crazy," "ABC," "I'm
8 Coming Out." You'll hear me singing and performing
9 guitar.

10 Q. Okay.

11 A. I'm sorry; dated August 2012.

12 Q. Okay. And is this a true and accurate copy of
13 this web shot?

14 A. Yes, it is.

15 Q. Okay.

16 (Registrant's Exhibit 43 identified
17 for the record.)

18 MR. SWYERS: Q. Exhibit 43, what is this?

19 A. This is a printout of -- sorry, a photocopy of
20 the Independent Journal middle section, C Section, and
21 it's a photograph of Wonderbread 5 with the original
22 logo that Steve Brooks created, and I'm in the
23 photograph.

24 Q. I'm not quite sure. Can we even tell what the
25 date is of this?

1 A. No. But it was roughly around 2001 or '02.

2 Q. Okay. And that was back when you were with
3 the band, correct?

4 A. Correct.

5 Q. Okay. And to the best of your knowledge, this
6 is a true and accurate copy of the cover of Ex Files --

7 A. That is correct.

8 Q. -- or The Examiner? Okay.

9 If regard to Exhibits 31 through 44, but
10 specifically excluding the two that we mentioned, 40
11 and 43, that we just mentioned, did you give the
12 petitioners any consent or right to use your likeness
13 or your performances?

14 A. Absolutely not.

15 MS. COHORN: Object again on relevance grounds.

16 MR. SWYERS: Q. I want to direct your attention
17 just generally to Wonderbread5.com.

18 Are you generally familiar with the content
19 which has been posted there over the years?

20 A. Yes.

21 Q. Okay. And even after your departure, are you
22 still aware of the content that's posted on the site?

23 A. Yes.

24 Q. Okay. Following your departure, has there
25 come a time that you were made aware they are

1 continuing to use any of your performances or vocals on
2 the site?

3 A. Yes.

4 Q. Tell us about that.

5 A. I would see it in -- on posters, on Facebook,
6 on the website. I would get phone calls from either
7 people I knew well or did not know well, saying "Your
8 picture is at this nightclub." "Your picture is in the
9 poster."

10 I would get phone calls from people who went
11 and saw the band and give me reviews of the band and
12 tell me they were either good or not good, but would
13 state that, "We could hear your guitar and your
14 singing. It was strange to have your voice in the
15 club."

16 Q. Okay. Are you aware as to whether or not any
17 of your performances are still being used on
18 Wonderbread5.com?

19 A. Yes.

20 Q. Where -- or how?

21 A. The Wonderbread 5 promotional video, visually,
22 I have been edited out of. No one has been edited in
23 to replace me. However, my audio performance of guitar
24 and vocals are still on the track and, now, instead of
25 me lip-syncing, Jeff Fletcher is pretending to sing my

1 vocal parts.

2 Q. But it's the vocal parts that you yourself are
3 recorded as performing, correct?

4 A. Correct.

5 Q. And have you ever given them consent to use
6 this?

7 A. Absolutely not.

8 (Registrant's Exhibit 44 identified
9 for the record.)

10 MR. SWYERS: Q. I would like to direct your
11 attention to Exhibit No. 44. Exhibit 44 in and of
12 itself has 19 pages.

13 MS. COHORN: I'm going to object to this document
14 on the grounds that it was not produced during
15 discovery, in addition to the other standing
16 objections.

17 MR. SWYERS: Thank you. And much of this is just
18 -- in brief response, occurred actually after discovery
19 and, actually, some, I believe, even occurred during
20 petitioner's own trial period, as we will state. But
21 thank you.

22 Q. You know, just without going in too much
23 detail in that regard, just -- on Page 1, are you
24 listed in this picture? Are you in this picture?

25 A. Yes. I am on the far left.

1 Q. Okay. And on Page 2 -- I actually want to
2 talk to you about Page 2.

3 Are you in this picture on Page 2?

4 A. I am in this picture; middle of the page,
5 second from the left.

6 Q. And can you tell when this show occurred
7 that's being advertised?

8 A. Yes. The show occurred on September 20th,
9 2013.

10 Q. Okay. So you're second from the left. It's a
11 very similar picture that we've seen before, correct?

12 A. Correct.

13 Q. And on Page 3 I think we see downloads from
14 pictures of Wonderbread5.com with your image on it,
15 direct?

16 MS. COHORN: Leading.

17 MR. SWYERS: Very well. I'll take a step back.

18 Q. Mr. Gilles, Page 3. What do we see on
19 Page 3?

20 A. Still shots of my performing in the video
21 known as Wonderbread 5 Promo Video 2008. The screen
22 captures are from August 2010 and December 2011. No
23 change.

24 Q. All right. And same questions in reference to
25 Page 4.

1 A. That one is dated March 2012, but it is the
2 same video and same page.

3 Q. Okay. What is Page 5?

4 A. Page 5 is another still shot from that same
5 video where I'm in the video; however, I'm not in the
6 photograph; Mike Taylor's in the photograph. The --
7 it's dated, actually, October 2013. So this is months
8 ago, weeks ago.

9 Q. Is -- is -- well, what, if any, relation does
10 this video bear to what you've previously testified in
11 reference to your vocals?

12 A. It is -- basically I am still in the video
13 known as Wonderbread 5 Promo Video 2008, promoting the
14 Wonderbread 5 with my image, my video, my audio and
15 goodwill, I suppose.

16 Q. And this is as of October 26, 2013?

17 A. Yes, it is.

18 Q. Okay. I believe 6 is a duplicate of what
19 we've previously seen as the George's poster on Page 2.
20 So no questions on that.

21 Turning to Page 7, can you tell us what's on
22 Page 7, please?

23 A. Page 7 is a printout from SF Booking Agency.
24 And you can select "Request Information, click here."
25 And it's a photo of me and four other petitioners.

1 Q. Okay.

2 A. Dated -- dated 2010. 2010.

3 Q. Thank you. Turning to Page 8, can you tell us
4 what this is?

5 A. It's another date. It's a consistent date,
6 the same Joel Nelson Productions we looked at earlier?
7 It's the same exact page, unchanged, from 2010.

8 Q. Okay. And in the -- it looks like there is
9 a -- it says "Wonderbread 5 Video."

10 Who does it look like is in the still of that
11 video?

12 A. That is a close-up of me singing in the
13 Wonderbread 5 video.

14 Q. Okay. And the date of this screen shot was?

15 A. April 23, 2012 -- '10.

16 Q. What's on the upper half of the page here?

17 A. It is a tab; it's hard to make out. It's a
18 picture of the Wonderbread 5 logo and a photograph of
19 me with the other petitioners dated April 2010.

20 Q. Okay. Turning to Exhibit 9, if you will --
21 excuse me -- Page 9 of Exhibit 44, top half. Can you
22 tell us what this is.

23 A. This is a screen printout from a clearinghouse
24 to hire bands. I'm not sure; I think it's "A legit"?

25 And there's a Wonderbread 5 tab and a

1 Wonderbread 5 photo, and I am second from the left in
 2 the photo dated April 23, 2010. Below that is Daniel
 3 Entertainment Group. "Book this artist," it says,
 4 above a media player with a close-up of my face singing
 5 under the title "Wonderbread 5. Book this artist."
 6 That's April 23, 2010.

7 Q. Okay. You know, just looking back on the top
 8 of Page 9, in this photograph that has the five of you
 9 in the photograph, it appears, at least from my
 10 layperson's eyes, this is the same picture that's used
 11 by George's on Page 2 of Exhibit 44.

12 Would that be accurate?

13 A. That is correct.

14 Q. And how would -- I guess the picture has been
 15 somehow photoshopped so that it has a dark background
 16 on Page 2, but it has the original website background
 17 on Page 9?

18 MS. COHORN: Leading.

19 MR. CARLIN: Q. I guess I would say what, if any,
 20 changes between these two photographs do you notice?

21 A. The background. Either the photocopier
 22 darkened the background or someone photoshopped -- did
 23 some augmentation and made the background black.

24 Q. Okay. Do you recall taking part in this
 25 particular photo, by any chance?

1 A. Yes, I do.

2 Q. What was the original background color; do you
3 know?

4 A. It was white.

5 Q. So the photograph on Page 9 would be really
6 how the original photograph looked, correct?

7 A. Correct.

8 Q. Okay. All right. Moving on to Page 10 of
9 Exhibit 44, can you describe for me what is on the top
10 half of this, please?

11 A. It is a printout from a Dance Bands, Party
12 Bands USA website, and it's titled, "Wonderbread 5,
13 Booking Inquiry Form." There's a bio and there's a
14 photograph of the Wonderbread 5 -- I'm on the far
15 right -- dated April --

16 Q. And --

17 A. Go ahead.

18 Q. Which one are you?

19 A. I'm on the far right.

20 Q. The completely far right. Okay. Thank you.

21 And, likewise, on the lower half of Page 10?

22 A. I am now on the far left.

23 Q. Okay. And that -- what is the -- just a
24 website that this appeared on?

25 A. ie Entertainment, I guess.

1 MS. COHORN: Counsel, I want to reiterate the
2 objection on the grounds that a lot of this wasn't
3 produced in discovery. Some of it you said has been
4 more recent, but we're in a group of documents that are
5 all dated April 2010.

6 MR. SWYERS: Thank you.

7 Q. Finally, on these groups of pages, I guess we
8 have Page 11. Can you tell us what is the top and then
9 what is the bottom?

10 A. Page 11 is a still picture -- a frame from the
11 Wonderbread 5's video page. And this is a video that
12 I'm on the far left. It was captured on April 2010.

13 Q. And how about --

14 A. And below that --

15 Q. -- in the lower half here?

16 A. Below, same date, is another video, and I am
17 in the video singing in the foreground.

18 Q. Okay. Directing your attention to Page 12 of
19 Exhibit No. 44, what do we see here?

20 A. This is the band bio from the website
21 Wonderbread5.com that, if I may --

22 Q. Please.

23 A. It states, "The Wonderbread 5 have been
24 thrilling audiences and exceeding client's expectations
25 while maintaining its original band lineup, Michael,

1 Jackie, Jermaine, Tito and Marlin, round out this
2 unstoppable, international rock and roll party
3 machine." Last sentence.

4 Q. When was this --

5 A. One --

6 Q. If you know, when was this downloaded?

7 A. This was downloaded --

8 Q. Before or after your departure?

9 A. This was downloaded probably a day or two
10 after my departure.

11 Q. Okay. And Page 13, what is this?

12 A. It is now the same band bio with the same
13 language except for one word changed, "The
14 Wonderbread 5 have been thrilling audiences and
15 exceeding client's expectations while maintaining its
16 original band lineup, Michael, Jackie, Jermain, Marlin
17 and Action Jackson, round out this unstoppable,
18 international rock and roll party machine."

19 Q. And I think the rest of the page is
20 actually -- now that I've looked forward, are in
21 essence other pictures of the same websites we've
22 already reviewed.

23 Are these true and accurate printouts of these
24 Web pages that we've talked about today?

25 A. Yes. They all are.

1 Q. Okay. Now, did there come a time that you had
2 other dealings with Mr. Siegan, aside from him being a
3 booking agent for Wonderbread 5?

4 A. Yes.

5 Q. Tell us about that.

6 A. After -- after I was no longer performing with
7 the petitioners, Jay Siegan reached out to me on
8 several occasions via e-mail and phone call asking if I
9 would be interested in not only helping him book other
10 bands, but also to perform for his clients as well.

11 Q. How would you describe your general
12 relationship with Mr. Siegan following, you know, March
13 2009?

14 A. From my perspective, it was -- I was shocked
15 and saddened, caught off guard. After the civil case
16 had started, I no longer had communication with Jay.
17 And then after the civil trial was resolved, Jay
18 reached out to me again.

19 During the -- during the -- before the civil
20 trial and after the civil trial, Jay reached out to me
21 via e-mails and phone calls.

22 Q. What was your impression as to his tone
23 towards you at this time?

24 MS. COHORN: Vague and ambiguous as to which time
25 period.

1 MR. SWYERS: Q. Following the civil case, the San
2 Francisco civil case.

3 A. His tone he was apologetic and conciliatory.

4 Q. Did you get the impression that he would go
5 into business with you again?

6 A. He absolutely requested that we do so.

7 Q. Okay. I would like to direct your attention
8 to -- well, first and foremost, did there come a time
9 that you owned any property with Mr. Siegan?

10 A. We did not own real estate property, but we
11 did own the nightclub Red Devil Lounge together.

12 Q. Okay. And how did that go?

13 A. I thought it went very well.

14 Q. Did there come a time that you all sold that
15 property?

16 A. We didn't sell; I asked to be bought out.

17 Q. And were you bought out by Mr. Siegan?

18 A. Yes, I was.

19 Q. Okay. And after -- and about when was this?

20 A. 2006; '05 or '06.

21 (Registrant's Exhibit 45 identified
22 for the record.)

23 MR. SWYERS: Q. Okay. And, if can I, allow me to
24 direct your attention to Exhibit 45.

25 MS. COHORN: Object to this document on the

1 grounds, in addition to the standing objections, that
2 it was not produced during discovery.

3 MR. SWYERS: And it goes to rebuttal evidence in
4 reference to matters that Mr. Siegan testified to. But
5 thank you.

6 Q. What is Exhibit 45?

7 A. It is a love letter from Jay Siegan to me.

8 Q. Okay. And was this following him buying you
9 out from the Red Devil Lounge?

10 A. No. It was shortly before. But it was
11 discussed that the plan was to buy me out.

12 Q. Okay.

13 A. But it was shortly before I exited.

14 Q. Okay. Is this a true and accurate copy of
15 that e-mail?

16 A. This is absolutely true and accurate.

17 Q. Okay. And, lastly, I'd like to direct your
18 attention specifically to Exhibit No. 46.

19 (Registrant's Exhibit 46 identified
20 for the record.)

21 MS. COHORN: Let me pose a belated objection also
22 to Exhibit 45 on grounds of completeness. There
23 appears to be a heading of another e-mail at the bottom
24 of the third page here that was not produced.

25 MR. SWYERS: Do you want to state something in

1 reference to 46?

2 MS. COHORN: Yes. Thank you. I will -- in
3 addition to the standing objections, I'll object to
4 Exhibit No. 46 on the grounds it was not produced
5 during discovery.

6 MR. SWYERS: Thank you.

7 And again, specifically to Mr. Siegan's
8 testimony, we believe it qualifies as rebuttal.

9 Q. Can you tell me about 46, please?

10 A. This is an e-mail from Jay Siegan to me dated
11 April 3, 2009, asking for my help to book a band for
12 him and through him.

13 Q. Okay. And this was following your being
14 forced not to perform with the band?

15 A. That is correct.

16 Q. Okay. And is this a true and accurate copy of
17 that e-mail?

18 A. Absolutely yes.

19 Q. Okay. And I actually should say string of
20 e-mails.

21 Mr. Gilles, has there come a time, since March
22 2009, that you have performed under the band name
23 Wonderbread 5?

24 A. No.

25 Q. Has there come a time that you've filed any

1 additional lawsuits against -- we'll call them "the
2 petitioners"?

3 A. No.

4 Q. Why not?

5 A. Well, based on my experience with the civil
6 case, and all the untrue things that were said about me
7 and conveyed about me through their attorneys, I really
8 felt that there's a good chance that these guys would
9 destroy the band, to spite me, if I had prevailed.

10 And it has been my strategy, if you could call
11 it a strategy, to use the proper forums of the court to
12 retrieve my intellectual property than to confuse the
13 general public.

14 I have not been able to stop some of that
15 confusion already, that we just went through, with my
16 photo being up there, and Mike Taylor's photo being up
17 there, and my video. So I am patiently waiting until
18 the day I retrieve my property back.

19 MR. SWYERS: Very well. Ms. Cohorn?

20 MS. COHORN: Yes.

21 MR. SWYERS: At this juncture my direct is
22 complete.

23 MS. COHORN: All right. Why don't we going off
24 the record.

25 MR. SWYERS: Off the record, Joan.

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(Whereupon, the luncheon recess was taken
at 1:12 o'clock p.m.)

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AFTERNOON SESSION

(Whereupon, the appearances of all parties having been duly noted for the record, the deposition resumed at 2:10 o'clock p.m.)

MR. SWYERS: Continuing. In regard to the exhibits which were discussed at this matter, and I believe that would be Exhibits 1 through 5, and then 7 through 16, and then 17 through 46 --

MS. COHORN: Sorry, Counsel. I don't believe there was a 17.

MR. SWYERS: 18; 18 through 46, we would move those into evidence at this time.

MS. COHORN: And subject to objections already made on the record. And I believe there were a couple others, Counsel, that you weren't moving in. I believe Exhibit 40 and 43 you stated earlier you were going to exclude.

MR. SWYERS: I agree with you.

MS. COHORN: Okay.

MR. SWYERS: We actually would exclude -- forgive me. Let me just get -- so, in essence, and so the record is continuing -- once again, I'll try to make the record clear.

Why don't I do it this way. We are going to move into evidence Exhibits 1 through 46, excluding 6,

1 17, because I do not believe there was a 17, 40, and
2 43. How is that?

3 MS. COHORN: That is accurate.

4 (Registrant's Exhibits 7 through 46,
5 excluding Exhibits 17, 40, and 43
6 submitted for admission into evidence.)

7 MS COHORN: Just, once again, to get my last word,
8 that is subject to the objections that are already on
9 the record.

10 MR. SWYERS: Noted.

11 MS. COHORN: Are we ready to move to cross, then?

12 MR. SWYERS: Your witness. Thank you.

13 MS. COHORN: Thank you.

14 Before I begin, just a couple of housekeeping
15 items. I want to reiterate that we are engaging in
16 this cross-examination under protest, and we will be
17 moving to strike the entire testimony, or parts of it,
18 as the board deems appropriate.

19 CROSS-EXAMINATION

20 BY MS. COHORN:

21 Q. Mr. Gilles, welcome back. Just a reminder
22 that you are still under oath just like you were this
23 morning, so we need you to tell the truth in response
24 to all of my questions.

25 Do you understand?

1 A. Yes.

2 Q. Now, earlier today you testified that in
3 around 1998, when you first became acquainted with
4 Mr. Jay Siegan, he invited you to dinner.

5 Do you recall that testimony?

6 A. Yes.

7 Q. You said he "invited us to dinner." Who is
8 the "us" that you were referring to?

9 A. Myself, Tommy Rickard, Stevenson Brooks, Jeff
10 Fletcher, and John McDill.

11 Q. Thank you.

12 Now, jumping forward to the mid 2000s, you
13 testified quite a bit about friction going on among the
14 band members at that time, and particularly with Jeff
15 Fletcher; is that accurate?

16 A. Yes.

17 Q. You testified that he badgered and browbeated
18 Tommy?

19 A. Yes.

20 Q. Is it fair to say that he was causing a lot of
21 problems within the band?

22 A. No.

23 Q. Did you ever consider replacing Jeff?

24 A. I never considered replacing anyone.

25 Q. And you also testified earlier today, and

1 produced some documents, related to third-party booking
2 agents that had websites related to Wonderbread 5. Do
3 you recall that testimony?

4 A. Yes.

5 Q. And you mentioned, also, clearing houses. Are
6 those the same thing, the third-party agents and the
7 clearing houses, or are they different?

8 A. I would consider them the same thing.

9 Q. Okay. Okay. Do you recall whether, when you
10 were still actively performing with the band, if any of
11 these clearinghouses or booking agents offered the
12 opportunity to book Wonderbread 5?

13 A. Yes.

14 Q. Can you explain to me how the band worked with
15 these booking agents?

16 A. So I know of one booking agent, Sheila Groves.
17 And she would -- she was aware of the Wonderbread 5.
18 She would have a show that would fit either the
19 Wonderbread 5 specifically, or that type of band, and
20 she would call someone like Jay Siegan, and Jay Siegan
21 would either specifically say the Wonderbread 5 is or
22 is not available, or, if they said we're looking for
23 anyone, he would suggest us or Notorious or Cheese
24 Balls or any of his many bands, if he felt they were
25 appropriate.

1 Q. To your knowledge, does Sheila Groves have a
2 website?

3 A. I think she does. She booked specific clubs,
4 that I recall.

5 Q. Do you know whether any photographs of
6 Wonderbread 5 were ever on her website?

7 A. I don't.

8 Q. Any videos?

9 A. I don't.

10 Q. Do you recall whether, during the time you
11 were still actively performing with the band, you
12 worked with any other third-party booking agents or
13 clearinghouses?

14 A. I don't know them by name, but we worked with
15 many, many, many third-party booking agents and party
16 planners and wedding planners.

17 Q. Can you think of any of the other specific
18 names other than Sheila Groves?

19 A. It was so long ago since Jay started booking
20 the band; that was really his department. And he
21 didn't share that with us. That's a booking agent
22 task.

23 Q. So you don't remember any; is that accurate?

24 A. Yeah. I wouldn't have been privy to it if Jay
25 didn't share it.

1 Q. Okay. And before Jay Siegan became involved
2 with the band, do you remember whether you worked with
3 any third-party booking agents?

4 A. We went directly to clubs.

5 Q. Okay.

6 A. Nightclubs.

7 Q. So no third-party agents; is that accurate?

8 A. We didn't have any agent or any booking agent.
9 It was me or Jeff.

10 MS. COHORN: Okay. I would like to have marked as
11 an exhibit a one-page e-mail from the Law Office of
12 Barry Simons to Patrick Gilles dated March 12th, 2009.

13 MS. COHORN: Mr. Swyers, for your reference, this
14 was produced in our discovery, Bates stamp No. WB5 004.
15 And if you would like to go off the record and take a
16 moment and get that -- or I could e-mail it to you, if
17 you need a copy. Mr. Swyers, are you still with us?

18 MR. SWYERS: I'm sorry; I had my mute on. Yes, I
19 am with you. And please continue. I have it up
20 already.

21 MS. COHORN: Okay. For the record, this e-mail is
22 being marked as Exhibit A.

23 (Petitioner's Exhibit A identified
24 for the record.)

25 MS COHORN: Q. Mr. Gilles, have you seen this

1 document before?

2 A. I have.

3 Q. And to your knowledge, is this a true and
4 correct copy of the e-mail?

5 A. I -- I suppose so.

6 Q. Can you tell me generally what this document
7 is, please?

8 A. So Barry Simons was once my attorney, and he
9 represented Jay Siegan and myself in several legal
10 matters. And after I spoke with Chip Adams, Tommy
11 Rickard, and Jay Siegan the night that I was taken from
12 the calendar and not permitted to play anymore, I
13 received this e-mail a day or two later.

14 I disregarded it because Barry Simons was my
15 attorney, and I thought that it was either -- I'm not
16 sure if the term is "illegal" or "inappropriate," for
17 him to represent me and then represent against me. So
18 I disregarded it.

19 MR. SWYERS: And for the record, I'll just -- if I
20 may; forgive me for interjecting. To the extent that
21 this may involve matters which are attorney-client
22 privilege, I'll object to the exhibit.

23 But kindly continue.

24 MS. COHORN: Q. I want to direct your attention
25 to the fifth paragraph, and specifically to the second

1 sentence in that paragraph.

2 Could you read that sentence, please.

3 A. "They will agree to remove your name and
4 likeness from artist's website and any promotional
5 materials as soon as possible, with the exception of
6 their video, which was produced and owned by the band."

7 Q. Now, did you read this e-mail when you
8 received it?

9 A. I did.

10 Q. And specifically, did you read that sentence?

11 A. I did.

12 Q. Did you have an understanding of what video
13 Mr. Simons was referring to -- excuse me -- was
14 referring to?

15 A. Not specifically, no.

16 Q. Do you now have any understanding?

17 A. Not specifically, no.

18 Q. Isn't it the promotional video?

19 A. It doesn't say that specifically, so I can say
20 no. There were several videos that I showed that had
21 me in it. There was probably maybe a dozen videos on
22 the website at this time.

23 Q. When you say "on the website" -- I'm sorry --
24 which website are you referring to?

25 A. On the Wonderbread5.com website, there were

1 maybe a dozen videos with me in them.

2 Q. So you don't know which video Mr. Simons was
3 referring to?

4 A. No. It's not specific. I do not.

5 Q. Did you ever ask him what he was referring to?

6 A. No, because I disregarded this letter because
7 he represented me and I felt the letter was entirely
8 inappropriate.

9 Q. Did you ever ask anyone what video the band
10 claimed it owned?

11 A. I never asked anyone. In 2012 I specifically
12 instructed my attorney, Mr. Swyers, to contact this law
13 office and remove specific videos. But at this time I
14 disregarded this letter.

15 Q. Did you ever have any communications with
16 anyone in which you stated that the band did not own a
17 video that was produced by the band?

18 MR. SWYERS: Objection to the extent it doesn't
19 involve the attorney-client privilege between
20 Mr. Gilles and my office.

21 Subject to that objection, please answer.

22 THE WITNESS: You'll have to say the question
23 again.

24 MS. COHORN: Q. Sure. I'm not asking for any
25 communications with your current attorney, Mr. Swyers,

1 at all. Aside from that, did you ever have any
2 communications with anyone in which you disagreed with
3 the representation that the band owned a video that was
4 produced by the band?

5 A. I never made contact with Barry Simons, Jay
6 Siegan, or anybody else after that initial phone call.
7 Barry Simons sent me another e-mail that I also
8 disregarded because he and I had attorney-client
9 privilege and prior representation. So I disregarded
10 that as well.

11 Does that make sense?

12 Q. Is that a "no"?

13 A. Well, your question was almost a double
14 negative, to me. I didn't talk to anybody about any
15 videos after I was removed from Jay Siegan's calendar.

16 Q. Fair enough. Fair enough.

17 MS. COHORN: All right. That's all the questions
18 I have. If there is no additional recross --

19 MR. SWYERS: I have a little -- I have one
20 redirect subject. But, again, it will be quick.

21 MS. COHORN: All right. Go right ahead.

22 REDIRECT EXAMINATION

23 BY MR. SWYERS:

24 Q. Mr. Gilles, we previously discussed Mr. Siegan
25 and whether or not he was a licensed talent agent at

1 the time he began representing the Wonderbread 5 in
2 about 1998.

3 I'm going to ask the question again: Are you
4 aware whether or not he was a licensed talent agent in
5 that time?

6 MS. COHORN: Asked and answered.

7 MR. SWYERS: Q. You may -- you know, were you
8 aware whether or not he was a licensed -- subject to
9 that objection -- I'm sorry -- were you aware of that?

10 A. I think my original answer was -- I misspoke.
11 What I'm saying is, he purported and told me he in fact
12 was a licensed agent, and I believed him at the time
13 and acted as such.

14 I later found out, through investigation, that
15 he in fact was not licensed and did not get a license
16 until late 2009 or '10, which lapsed roughly six months
17 later.

18 So the whole time I was working with Jay
19 Siegan as my booking agent, there was no record from
20 the State of California that he had a license.

21 Q. Okay. To the best of your knowledge, are
22 booking agents required to be licensed by the State of
23 California?

24 A. My understanding is yes.

25 Q. Okay. And what is that understanding based

1 on?

2 A. Based on speaking to people at the TAA, which
3 is the Talent Agency Amendment, I think it's called, at
4 the State of California, Secretary of State, who
5 informed me that if in fact -- and cited -- and
6 referred me to case law, but if in fact a performer was
7 represented by a talent agent who was not licensed,
8 that performer could file a -- I -- I can't think of
9 the name of the legal document, but it's . . . Petition
10 of Controversy, and get all fees paid to that talent
11 agent back.

12 Q. Okay. Did you ever have any conversations
13 with Mr. Siegan in which he admitted to you that he was
14 not a licensed talent agent during this time?

15 MS. COHORN: I'm going to object on relevance
16 grounds.

17 MR. SWYERS: Thank you.

18 Q. You may answer subject to objection.

19 A. He never counseled me on him not having a
20 talent agent license, but he regularly informed me and
21 the other petitioners that it was illegal to be an
22 agent and a manager.

23 Whenever it came up that Jay Siegan was to
24 make a decision that he didn't feel comfortable with,
25 he would say, "This is a band matter; you guys decide."

1 And he would say that to me. And that -- and he would
2 punctuate that by saying, "I am not your manager."

3 MR. SWYERS: Okay. I have nothing further at this
4 time. Ms. Cohorn?

5 MS. COHORN: I have no further questions. Just
6 one final time, for the record, we do contend that the
7 pre-trial disclosures in this matter were not
8 effectively served. They were served on the wrong
9 address, to an attorney who has not worked for my firm
10 for years now.

11 On that basis, we move to strike the entire
12 testimony of Mr. Gilles. To the extent that the board
13 should conclude that service was effective, we move to
14 strike all exhibits and testimony concerning the
15 exhibits, on the grounds that the pre-trial disclosure
16 did not identify the categories of documents that would
17 be introduced as exhibits during the testimony.

18 MR. SWYERS: Thank you.

19 And, of course, we will -- we believe that it
20 was adequately served, not only in the -- you know,
21 actual service, as it were, you know, but also in
22 addition to the spirit of actually having the
23 deposition, or otherwise, you know, taken, in
24 consideration of the communications back and forth
25 between our offices.

1 And, moreover, the majority of the documents,
2 subject to your objection, we believe that they were
3 properly identified. But, also, as the record will
4 indicate, the majority of these documents were actually
5 placed into evidence by other witnesses in this matter.
6 So . . .

7 Thank you. Anything else?

8 MS. COHORN: Just slight further comment to your
9 response. The pre-trial disclosure doesn't list a
10 single document in connection with Mr. Gilles's
11 testimony. The only reference to documents is, quote,
12 "to support its claims, Registrant may introduce
13 exhibits to be identified and a Notice of Reliance,"
14 end quote.

15 That's insufficient to allow us to identify
16 any of the documents that would be used in connection
17 with this trial testimony.

18 So on that basis, we do move to strike.

19 MR. SWYERS: Anything else?

20 MS. COHORN: Yes. I do need to move Exhibit A
21 into evidence. Any objection?

22 MR. SWYERS: You know, on the grounds that it
23 could potentially be considered, you know,
24 attorney-client privilege. Aside from that, none.

25 MS. COHORN: All right. Then I believe we can

1 conclude the deposition.

2 MR. SWYERS: Thank you.

3 (Petitioner's Exhibit A submitted

4 for admission into evidence.)

5 (Whereupon, the trial deposition

6 concluded at 2:49 o'clock p.m.)

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CERTIFICATE OF WITNESS

---oOo---

I, PATRICK GILLES, hereby declare under penalty of perjury that I have read the foregoing deposition testimony; and that the same is a true and correct transcription of my said testimony except as I have corrected pursuant to my rights under Section 2025 (Q) (1) of the California Code of Civil Procedure.



Signature

1-8-14

Date

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3 I, JOAN MARTIN, a Certified Shorthand Reporter
4 of the State of California, duly authorized to
5 administer oaths pursuant to Section 8211 of the
6 California Code of Civil Procedure, do hereby certify
7 that

8 PATRICK GILLES,
9 the witness in the foregoing trial deposition, was by
10 me duly sworn to testify the truth, the whole truth and
11 nothing but the truth in the within-entitled cause;
12 that said testimony of said witness was reported by me,
13 a disinterested person, and was thereafter transcribed
14 under my direction into typewriting and is a true and
15 correct transcription of said proceedings.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties in the
18 foregoing deposition and caption named, nor in any way
19 interested in the outcome of the cause named in said
20 caption.

21 Dated the 25th day of December, 2013.

22
23 
24

25 JOAN F. MARTIN
CSR No. 6036 (California)

1 Mr. Patrick Gilles
2 240 Lovell Avenue
3 Mill Valley, California, 94941

4 Date: Friday, December 27, 2013
5 Re: Wonderbread 5 vs. Gilles
6 Deposition Date: Wednesday, December 11th, 2013

7 Dear Mr. Gilles,

8 Please be advised the original transcript of your trial
9 deposition is ready for your review. Pursuant to CCP
10 Section 2025.520(a), you have 30 days following the
11 date of this notice to read, correct and sign your
12 transcript unless the attending parties and the
13 deponent agree on the record, or otherwise in writing,
14 to a longer or shorter time period. The deponent may
15 change the form or the substance of the answer to a
16 question, and may either approve the transcript of the
17 deposition by signing it, or refuse to approve the
18 transcript by not signing it. You are not required by
19 law to read and sign your deposition transcript. All
20 parties will be informed of the corrections. The
21 original transcript will then be sealed and sent to the
22 examining attorney pursuant to the applicable law.

23 You may either come to our office to read and sign the
24 original transcript, or you may contact your attorney
25 or the attorney who arranged for you to be present at
your deposition. If they have ordered a copy of the
transcript, you may review their copy and make
corrections by submitting, signing and returning the
attached form. If you choose to review your transcript
at our office, please call first to make an
appointment.

Should you have any question regarding these
instructions, please call.

Sincerely,

NOGARA REPORTING SERVICE
5 Third Street, Suite 415
San Francisco, California 94103
(415) 398-1889

cc: Original deposition
All counsel

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

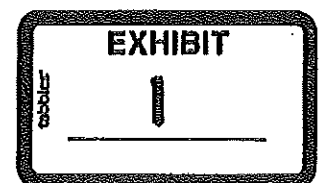
In the matter of U.S. Trademark Registration No. 3,691,948.
For the mark WONDERBREAD 5,

Wonderbread 5,	:	
	:	
Petitioner,	:	
	:	
	:	Cancellation No. 92052150
vs.	:	
	:	
Gilles, Patrick,	:	
	:	
Registrant.	:	

NOTICE OF TRIAL DEPOSITION

COMES NOW Registrant, Patrick Gilles, (hereinafter "Registrant"), by and through
counsel, The Trademark Company, PLLC, in accordance with 37 C.F.R. § 2.124 and § 703.02(a)
of the TBMP hereby notes the trial deposition as set forth below:

Name of Witness:	Patrick Gilles
Address:	240 Lovell Ave. Mill Valley, CA 94941
Officer To Administer Deposition:	NOGARA REPORTING SERVICE 5 Third Street, Suite 415 24 San Francisco, California 94103 (415) 398-1889
Date and Time of Deposition:	December 11, 2013 at 10:00 a.m. local time
Place of Deposition:	PHILLIPS ERLEWINE & GIVEN LLP 50 California St., 32nd Floor San Francisco, CA 94111



DATED this 6th day of Decmeber, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esquire

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Telephone (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTheTrademarkCompany.com

Attorney for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Trademark Registration No. 3,691,948.
For the mark WONDERBREAD 5,

Wonderbread 5,

Petitioner,

vs.

Gilles, Patrick,

Registrant.

:
:
:
:
:
:
:
:
:
:
:

Cancellation No. 92052150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 6th day of December,
2013, to be served, via first class mail, postage prepaid, upon:

Cari A. Cohorn
Nicholas A. Carlin
PHILLIPS ERLEWINE & GIVEN LLP
50 California St., 32nd Floor
San Francisco, CA 94111

/Matthew H. Swyers/
Matthew H. Swyers

https://www.facebook.com/pages/Wonder-Bread-5/98596664755716-Info

Wonder Bread 5

Wonder Bread 5 About

Like

About

Official Wonder Bread 5 facebook page! For the most up to date calendar go to: <http://www.wonderbread5.com/>

Artists We Also Like

Jackson 5

Basic Info

Founded 2008

Genre Party Rock!

Members Michael - Lead Vocals
Jackie - Drums, Vocals
Jermalne - Bass, Vocals
Marlin - Keyboards, Vocals
Ackson Jackson - Guitar, Vocals

Brian Skewls - Sound

and

Jay Slegan - rock n roll phones

Kalle andres rockin' the P.R.

Hometown San Francisco

Record Label K-Tel

General Manager Tommy

Current Location San Francisco

Contact Info

Website <http://www.wonderbread5.com>

Press Contact jay@jaysleganpresents.com

Booking Agent Jay Slegan jay@jaysleganpresents.com

About Create Ad Create Page Developers Careers Privacy Cookies Terms Help

Facebook © 2013 • English (US)



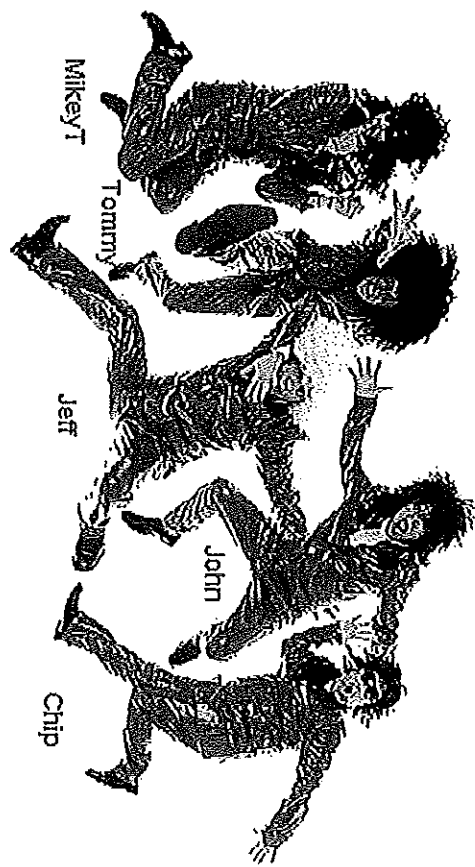
Wonder Bread

home calendar pictures videos songs band book us weddings clients press kit

WBS email list

Boeing Information

Jay Siegan
Download VCF
415-457-4720

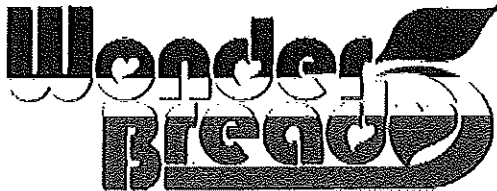


Fri Apr 12th
Breakfast - Pete De
Cure Fundraiser
15170 Geyserville Ave
Geyserville
CA
Directions | Tickets

Wed Apr 24th
River Rock Casino
3250 Highway 120
Geyserville
CA
Directions

Fri Apr 26th
Dinner with Susan
Fundraiser
Main Catholic High School
Student Center
Kenfield
CA
(415) 328-2868
Directions

more shows



WB5 email list GO

Booking Information



Jay Slegan
Download VCF
415-447-4730

[home](#) [calendar](#) [pictures](#) [videos](#) [songs](#) [band](#) [book us](#) [weddings](#) [clients](#) [press kit](#)



WHAT DOES IT COST TO HIRE WONDER BREAD 5?

Pricing depends on a number of variables including the date, location and the nature of the event. For an accurate price, please call our management and they will be happy to give you a lightning fast quote via e-mail or over the phone. We do make all efforts to be reasonably priced, and the band continues to be priced competitively. Deposits are required to secure the agreement. For fundraisers and non-profits, we can discuss reducing our rate to help you reach your financial goals in some situations.

WHAT DO I GET WHEN I HIRE THE BAND?

Well, first and foremost, you get the full Wonder Bread 5 show with all the bells and whistles. The live band, as you see it on this site, comes with our own professional top notch sound system. Of course we provide all the necessary crew to run our production, as well as fabulous stage lighting to transform the room into a showcase for dancing and music. We are pleased to offer the service of playing music via iPods / CDs before and in between our sets as well. This is our way of insuring that there is music playing during the duration of your event, as long as needed. This is a perfect opportunity to hear some of the music Wonder Bread 5 does not perform (from swing to cocktail jazz to Motown to pop).

WHAT WILL THE BAND WEAR?

Take a look at the pictures on the site for a clear idea of the band's image. If you have a specific request, let us know. For more upscale events, that band can perform in suits and attire that is appropriate. Either way, count on the band always looking great -- as that is indeed part of their show.

WHAT DO I NEED TO PROVIDE FOR THE BAND TO PERFORM?

We simply need a small space (preferably a stage) for us to perform on, with access to adequate power. The only other thing we need from you is an enthusiastic audience who is ready to dance the night away! We are an inclusive live music package, without any additional costs.

HOW FAR AHEAD IS WONDER BREAD 5 BOOKED?

As the band is in demand, Wonder Bread 5 performs almost every weekend night and many week days as well. We do have dates booked as far as one year in advance, however we do have various dates available in the much closer future. Please contact jay@jaysleganpresents.com for available dates.

DOES WONDER BREAD 5 PLAY SPECIAL REQUESTS?

The group is happy to accommodate any of your musical requests. Please look over our song list, and we'd love to hear about your favorite songs from the list. If we play any songs that you don't care for, we'd like to know that as well. We can also learn songs that are not on our list, but this must be discussed with management well in advance of the performance.

To book The Wonder Bread 5 please contact: Jay Slegan Presents 415-447-4730 or email booking@wonderbread5.com
We look forward to working with you!

Fri Apr 12th
Brush Tour - Fete De
Cure Fundraiser
19170 Geyserville Ave
Geyserville
CA
Directions | Tickets

Wed Apr 24th
River Rock Casino
3250 Highway 128
Geyserville
CA
Directions

Fri Apr 26th
Dancin' with Susan
Fundraiser
Marin Catholic High School
Student Center
Kentfield
CA
(415) 328-2868
Directions

More shows ➤



Wonderbeats

home calendar pictures videos songs band book us weddings clients press kit

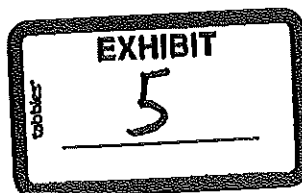
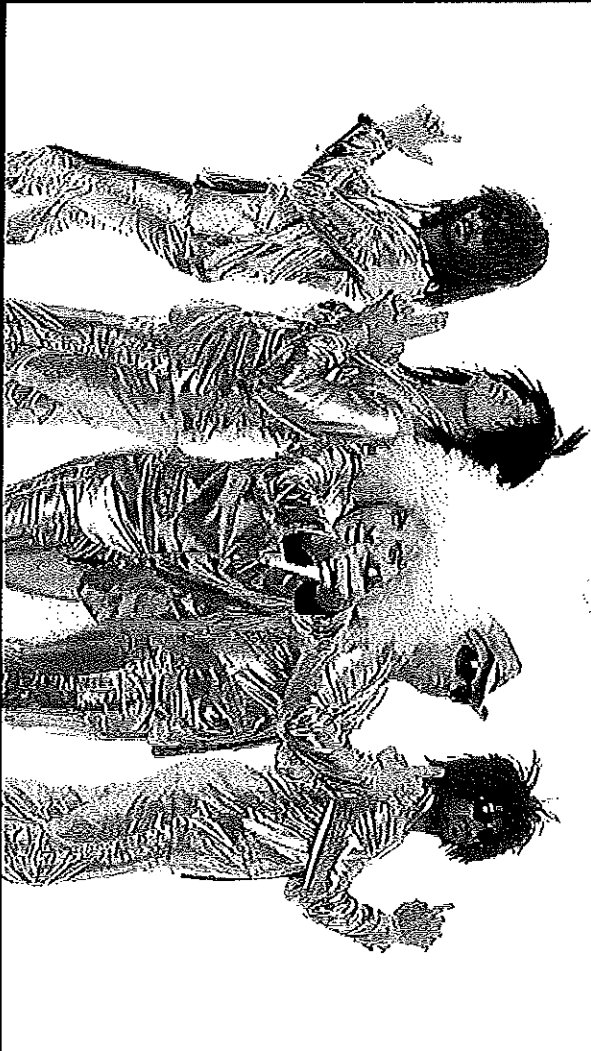
✉ WB5 email list

GO

✉ Booking Information



Jay Siegan
Download VCF
415-447-4730



Business Entities (BE)

Online Services
 - e-Filing Statements of Information for Corporations
 - Business Search
 - Processing Time
 - Disclosure Search

Main Page

Search Options

Name Availability

Forms, Samples & Fees
 Statements of Information (annual/initial reports)

Filing Tips

Information Request (certificates, copies & tax reports)

Search of Records

Fees

Related Information
 Records
 - Business Resources
 - Tax Information
 - Starting A Business

Customer Alerts

- Business Identity Theft
 - Misleading Business
 - Violations

Business Entity Detail

DBA is updated to the California Business Search on Wednesday and Saturday mornings. Please reflect work processed through Friday, October 4, 2013. Please refer to Processing Times for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	MY SIEGAN PRESENTS, LLC
Entity Number:	200922010274
Date Filed:	03/15/2009
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	212 E CARRILLO ST STE 400
Entity City, State, Zip:	SANTA BARBARA CA 93101
Agent for Service of Process:	JOSUEJA P RASINOWITZ
Agent Address:	212 E CARRILLO ST STE 400
Agent City, State, Zip:	SANTA BARBARA CA 93101

* Indicates the information is not contained in the California Secretary of State's database.

* Notes: If it is agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on adding or removing a name, refer to Name Availability.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to Information Requests.
- For help with searching by or filer name, refer to Search Tips.
- For descriptions of the various fields and abbreviations, refer to Field Descriptions and Status Definitions.

[Modify Search](#) [New Search](#) [Printer Friendly](#) [Back to Search Results](#)

Jun 5, 2005

Message starred

Band Duties

from Jeffrey Fletcher to you + 5 more

Hide Details

From

Jeffrey Fletcher

To

Patrick Gilles Chipy Adams Chipy Adams 3 More...

Before we get started, I'd like to say, I'm ready to really take most of what I do off of my plate. I've lost too much of my own personal time (especially Sundays!) over the years doing this stuff. Whether I've been working a job as an employee or not I've been handling these duties for almost 9 years now. Now that I have a son I won't miss the time with my family that I've taken in the past from Genevieve. I also want to make it known that this is not an email directed at Pat or anyone else in this band. I actually think Pat is doing a lot of cool things like dealing with Steve Jr., Napkin Nights, Alice Radlo, and promotional materials among other stuff. This is an email letting you guys know (not that you don't already know this) the list of what I'd like to take off of my plate that needs to be done every week for the most part:

- Arranging set lists with Sammy and printing them so they're different and hopefully interesting at our shows (also printing them big and easy to see). No one is to blame since we didn't get an advance last night but it really shows that not having a set list or a correct set list takes away from the show very much.

- Website calendar and email calendar to our email list. Which is two separate jobs, I wish it was just a cut and paste thing. This includes finding and writing all the links for the shows, directions and tickets.

- Front page website screen graphics (logo or advertisement for upcoming shows) and email graphics for the email list and uploading them to the website.

- Designing Napkin Nights Ads.

- Design and make Posters & Flyers. Including Kinko's trips to print



those out. Also designing and sending posters to Clint for the Sac. Shows.

Trips to local venues and on the way to clubs in other cities to hang up flyers. Perfect example why I don't send a lot of flyers and posters via mail is because we show up and they were never hung up or they're in a shitty place where no one can see them.

This may not seem like a lot but it takes a long time to download 200 pictures from usually 2 shows a weekend, look at every picture, delete all the bad ones, resize them all so they fit in the constraints on the website, and then rotate all the pictures that were taken portrait style.

Zip all the pictures, create a new space for them on the website and upload them. Then go back and make sure they all made it up on the website.

Pow - Picture of the Week, figure out what picture you want as the POW. Then make that graphic and upload it to the website.

Update the links (html) on the front page of the website so the advertisement and POW links open the tickets page and POW album.

Graphics for Chip when he needs them for the website.

Bcentral. Schedule and update an email message each week to go out on Wed. at 12 pm.

Answer all emails to band.

Monthly trips to the post office. Printing out all the postcards, cutting the post cards, and stamping them.

Make sure calendar jives with the confirmation dates. This is wrong many times and I have to call the office and fix it so everyone has the right dates.

Schedule Jerry to do sound for us and make sure he gets a calendar each time we get one. Someone was in charge of this but I started sending them to Jerry again because he said he wasn't being informed and not getting the calendars.

Schedule a sound guy when Jerry is out.

And above all I'd say the most important part is making sure all the info (graphics) and calendar dates are up on the website by the Sunday after our show or Monday morning by the latest because that's when everyone comes to our website to look at the pictures from the weekend before. Then they see the upcoming shows and the people who they send to the website to see their pictures see our shows too and thus new customers.

As for the graphics and material to work with, I can give you guys a DVD that will have all the show and promo pictures we've ever taken

steve@napklnnights.com

To

Patrick Gilles Tracy Lee

1 Attachment

21KB

Slideshow

Save to

Save

Pat,

The ad is online and Tracy will shoot you off an invoice.

katen

Patrick Gilles wrote:

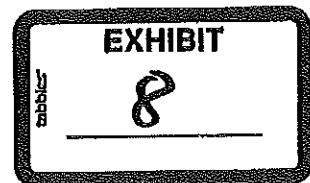
Hello Steve, we have agreed to a "last minute" show at Harlow's this Friday. I was hoping we could get the NN homepage from this Tues-Friday. I have attached the artwork.

Thanks,

Pat Gilles

415-827-0405

p.s. I sent payment for the last ad, but I have not received an invoice. Can I get both invoices this time around? thx.



000024

No. 3 H

Jeffrey Fletcher

From

Patrick Gilles

To

1 Attachment

12.4KB

Slideshow

Save to

Save

Here is the button, let me know if you want any changes made to it or if you had a different idea than this?

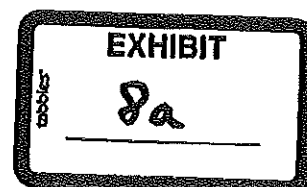
Jeffrey

On 2/14/06 10:05 AM, "Patrick Gilles" <patrickgilles@yahoo.com> wrote:

Jeff, can you take this logo and add some text for a Napkin Nights "Clip of the Week" button. Basically, Steve has agreed to put this button with all of our photo albums that will link back to our website's movies page. This will give us a lot more traffic and hopefully more hits to other parts of the page.

I'd like it to say "Clip of the Week" and/or "Video" in some kind of fancy script. Maybe a Quicktime logo would help instead. We need something to catch the viewer's eye, telling them that it is not just an add, but a link to a movie.

Can you do this?



000030

Pat

000031

No. 3

APPLICATIONS

Fri, Feb 15, 2008 at 9:58 AM
Feb 15, 2008

Message starred
from greg van to you
Re: Help. WB5 t shirts
Hide Details

From

greg van

To

Patrick Gilles

Hey Pat,

Again my apologies, I will get all the inventory out to you if not today first thing Monday to below address. I will send UPS and let you know how much the shipping was after I send.

I am sure the inventory will move quick.

Greg Van Gaver
CEO/Founder Wanted Ink
www.wantedink.com

----- Original Message -----



000021

From: Patrick Gilles <patrickgilles@yahoo.com>
To: greg van <wantedink@yahoo.com>
Sent: Monday, February 11, 2008 12:50:37 PM
Subject: Re: Help. WB5 t shirts

Hello Greg, thanks so much for getting back to me. Yes, yes, yes, we need T-shirts. We are doing 4 shows in a row for a corporate client who has requested T-shirts, stickers, etc beginning in March. We would like to get the panty inventory as well. So please ship out as soon as you can.

To:
Patrick Gilles
240 Lovell Ave
Mill Valley, CA 94941
415-827-0405

Thanks again and I hope all is well with you. I'm so relieved you go back to me! Thanks again. If you need \$ for shipping, just let me know and I'll cut you a check.

Pat

greg van <wantedink@yahoo.com> wrote:

Hey Pat,

SO sorry for not getting back sooner I have been out of the country for a while on business. If you want to give me your address I can UPS you a large portion of the remaining inventory for you all to sell, give away etc.

I am not in SF at the moment is why I can and will UPS.

Again I appologize for the delay and hope the shows are doing well.

Greg Van Gaver
CEO/Founder Wanted Ink

000022

www.wantedink.com

"Chuck Norris does not do push ups, he pushes the earth down"

----- Original Message -----

From: Patrick Gilles <patrickgilles@yahoo.com>

To: greg van <wantedink@yahoo.com>

Sent: Saturday, January 19, 2008 10:12:28 PM

Subject: Help. WB5 t shirts

Hello Greg, I know its been a while, but I need to get some of the wonderbread5 T Shirts from you asap. Please call me as soon as you can.

Thanks. Very important that I get some of the inventory. We're playing a very important show and need the T's right away. Call me whenever. I'll come pick them up.

Patrick Gilles
415-827-04045

000023

Search Web  Hi, Patrick

Wonderbread5

CONTACTS

CALENDAR

CompuBids

Daily

Notes

Spam

Actions

Inbox

Re: Help. WB5 t shirts

Conversations

greg van

Drafts

Patrick Gilles

Sent

Spam (83)

Trash (4)

Hey Pat,

FOLOGNS

Again my apologies, I will get all the inventory out to you if not today first thing Monday to below address. I will send UPS and let you know how much the shipping was after I send.

2011 receipts

I am sure the inventory will move quick.

2012 Receipts

2013 Receipts

240 Lovell project

4210 O Street

Greg Van Gaver
CEO/Founder Wanted Ink
www.wantedink.com

6109 Maurer Ave

Abbey Carpet

America Still the Place

Business Documents

Cabo Del Mar

----- Original Message -----

Craigslst

From: Patrick Gilles <patrickgilles@yahoo.com>

Craigslst ads

To: greg van <wantedink@yahoo.com>

Deleted Items

Sent: Monday, February 11, 2008 12:50:37 PM

documentary info

Subject: Re: Help. WB5 t shirts

Drafts

Hello Greg, thanks so much for getting back to me. Yes, yes, yes, we need T-shirts. We are doing 4 shows in a row for a corporate client who has requested T-shirts, stickers, etc beginning in March. We would like to get the partly inventory as well. So please ship out as soon as you can.

DVX Pro Tools

To:

eBay info

Patrick Gilles

Facebook

240 Lovell Ave

Final Cut Pro docs

Mill Valley, CA 94941

Flash Weapons and oth...

415-827-0405

FNM

Thanks again and I hope all is well with you. I'm so relieved you go back to me! Thanks again. If you need \$ for shipping, just let me know and I'll cut you a check.

Fred Campbell

Pat

Hit List

greg van <wantedink@yahoo.com> wrote:

Life Estranged

Hey Pat,

MBN

SO sorry for not getting back sooner I have been out of the country for a while on business. If you want to give me your address I can UPS you a large portion of the remaining inventory for you all to sell, give away etc.

Mixtape 96

GoGo Marketing

Notes

I am not in SF at the moment is why I can and will UPS.

Oilstop

Again I apologize for the delay and hope the shows are doing well.

Old Mill School

Greg Van Gaver

Olve

CEO/Founder Wanted Ink

Olve Equipment

www.wantedink.com

Olve Feature

Phishing docs

"Chuck Norris does not do push ups, he pushes the earth down"

Pro Tools docs

EXHIBIT

9a

patrickgilles@yahoo.com ~ Yahoo! Mail

Quadcopter
 Red Devil Lounge
 Scripts and Stories
 Sent Items
 Short Film Production
 USAA
 Vimeo
 WB5 Business
 WB5 Sub
 WB5®
 Wonderbread5
 Yahoo Web Hosting

APPLICATIONS

----- Original Message -----

From: Patrick Gilles <patrickgilles@yahoo.com>
 To: greg van <wantedink@yahoo.com>
 Sent: Saturday, January 19, 2008 10:12:28 PM
 Subject: Help. WB5 t shirts

Hello Greg, I know its been a while, but I need to get
 some of the wonderbread5 T Shirts from you asap.
 Please call me as soon as you can.

Thanks. Very important that I get some of the
 inventory. We're playing a very important show and
 need the T's right away. Call me whenever. I'll come
 pick them up.

Patrick Gilles
 415-827-04045

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

Looking for fast minute shopping deals? Find them fast with Yahoo! Search.

1/0. 2 1

Teresa

From: Patrick Gilles [mailto:patrickgilles@yahoo.com]
Sent: Monday, October 29, 2007 7:00 PM
To: Nevarez, Teresa
Subject: RE: Wonderbread 5 radio ads

That sounds great. Lets do the 7am spots for the morning show (week of 12/17). And, we'd like to do the stream of 25 each week. I love the Alice Island thing myself, so that's great too I have a copy of the spot that was produced last year. Would you like me to send it to you?

Let's do it. Thanks,
Pat

"Nevarez, Teresa" <nevarez@sfradio.cbs.com> wrote:
Hi Patrick,

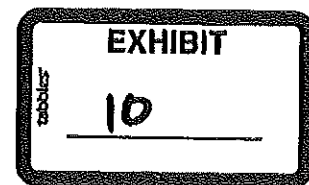
How's this:

- AM Show sponsorships week of 12/17 (please choose from ones listed below)
- PM Show sponsorships week of 12/24: Alice Island at 6:15p
- One week of spots running on our stream (50 spots!) You choose which weeks or 25 spots to run each week

All for your \$3,000 budget!

What do you think???

T



000010

Press the Enter key to select an item
Mon, Nov 5, 2007 at 8:07 AM
Nov 5, 2007

Message starred
from Patrick Gilles to 1 recipient
RE: Wonderbread 5 radio ads
Hide Details

Patrick Gilles

From

Nevarez, Teresa

To

1 Attachment
103B
Save to

KLLC - Wonder Bread 5 @ Red Devil 12-31.mp3 Save

Hello Teresa. Thanks. I have attached the mp3 file of last year's spot. I will send payment in 2-3 weeks. We have been putting money aside from shows and plan on meeting the \$3k budget in this month.

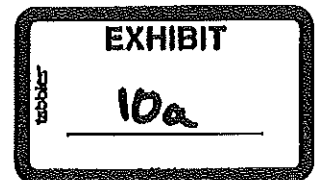
Thanks again. Talk to you soon,
Pat

"Nevarez, Teresa" <nevarez@sfradio.cbs.com> wrote:
Hi Pat,

We are booked!

Yes, please send the spot and send the payment anytime before
12/17 to my attention, please.

Thanks!



00001.1

. From: Patrick Gilles [mailto:patrickgilles@yahoo.com]
Sent: Friday, October 26, 2007 1:37 PM
To: Nevarez, Teresa
Subject: RE: Wonderbread 5 radio ads

Hello Teresa, we would like to move forward with our ad buy. The band has a \$3000 budget. We'd like to spread the ads over two weeks. "Less ads for longer" basically. We like the morning show and evening commute. Sponsorships or whatever.

Please let me know what you think. We like short ads that just mention, " Don't miss San Francisco 's hottest New Years Celebration with the Wonderbread 5 at the Red Devil Lounge. Go to Wonderbread 5 dot com or Red Devil Lounge dot com for more details". That's about it.

Let me know what you think.

Thanks so much,
Pat

"Nevarez, Teresa" <nevarez@sfradio.cbs.com> wrote:
Hi Pat,

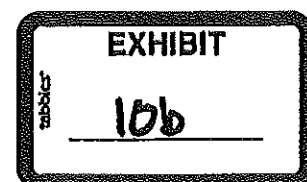
Got the info!

The Morning Show is going on vacation starting the 22nd, so they will be here the week of 12/17. The available sponsorships are:

Guess the Celebrity 6a, 7a, & 8a and Daily Game at 9a.

Let me know what you'd like.

Thanks!



000012

Teresa

Teresa Nevarez
Alice Radio, KLLC-FM
875 Battery Street
San Francisco, CA 94111
(415) 765-4174
(415) 765-4084 fax
nevarez@sfradio.cbs.com

LEGAL NOTICE: This email may be considered an advertising or promotional message. If you no longer wish to receive commercial email from KLLC, please reply to this email by clicking the "reply" button at the top of this page or by sending an email to nevarez@sfradio.cbs.com. Insert this message into the reply email: "Please remove me from your commercial email list". You must use this method to notify KLLC of your opt-out request, as we cannot guarantee that other methods of notification will be effective. Please be aware that we may continue to contact you via email for administrative or informational purposes, including follow-up messages regarding contests you have entered or other transactions you have undertaken. By law, such messages are not considered to be commercial email.

-----Original Message-----

From: Patrick Gilles [mailto:patrickgilles@yahoo.com]
Sent: Wednesday, September 26, 2007 10:59 PM
To: Nevarez, Teresa
Subject: RE: Wonderbread 5 radio ads

Thanks so much. I'll wait to hear from you then. Take care. And yes, the girls are crazy little rockers. Thanks.

Talk to you soon,
Pat

000013

"Nevarez, Teresa" <nevarez@sfradio.cbs.com> wrote:

Hi Pat,

I didn't forget about you! We just had Now & Zen so I was swamped, but now have a moment to check on this for you. (BTW: met your kids at the concert and they were darling!)

I will forward this to Programming and get back to you on our Morning Show's vacation schedule and we'll see what we can do.

Stay tuned!

Teresa

From: Patrick Gilles [mailto:patrickgilles@yahoo.com]

Sent: Friday, September 21, 2007 4:40 PM

To: Nevarez, Teresa

Subject: Wonderbread 5 radio ads

Hello Teresa. I hope you are well. I wanted to begin planning for the Wonderbread 5 New Years show. We are playing in SF again this year and would like to buy some time on Alice Morning Show the week of 17th -21st. Are No Name and Sarah going to be in town and on air, or is it best of vacation style? Either way, please advise of the best possible package available to us, as you know our whole vibe pretty well by now.

Thanks and take care,

Pat

415-827-0405

000014

No. 3 8

Tue, Dec 18, 2007 at 4:50 PM
Dec 18, 2007

Message starred
from Nevarez, Teresa to you
RE: w/o 12/24 Monday & Tuesday
Hide Details

From

Nevarez, Teresa

To

Patrick Gilles

Hey Pat,

Can I get you the invoice sometime next week? I'm about to leave on a business trip to LA tomorrow AM. I'm back next week. It's so crazy right now, you got that right!

Hope all is well and you have an awesome holiday!

Teresa

Teresa Nevarez
Alice Radio, KLLC-FM
875 Battery Street
San Francisco, CA 94111
(415) 765-4174
(415) 765-4084 fax
nevarez@sfradio.cbs.com

LEGAL NOTICE: This email may be considered an advertising or

000015

promotional message. If you no longer wish to receive commercial email from KLLC, please reply to this email by clicking the "reply" button at the top of this page or by sending an email to nevarez@sfradio.cbs.com. Insert this message into the reply email: "Please remove me from your commercial email list". You must use this method to notify KLLC of your opt-out request, as we cannot guarantee that other methods of notification will be effective. Please be aware that we may continue to contact you via email for administrative or informational purposes, including follow-up messages regarding contests you have entered or other transactions you have undertaken. By law, such messages are not considered to be commercial email.

-----Original Message----- **From:** Patrick Gilles
[mailto:patrickgilles@yahoo.com] **Sent:** Monday, December 17,
2007 7:28 PM **To:** Nevarez, Teresa **Subject:** Re: w/o 12/24
Monday & Tuesday

Cool. Thanks so much for the info.

I was hoping you could email or send an invoice too. I hope you are well during this holiday season of craziness.

Thanks,

Pat.

"Nevarez, Teresa" <nevarez@sfradio.cbs.com> wrote:
Hi Pat,

So I just got word that Webster will not be doing Alice Island on Monday & Tuesday 12/24 & 12/25. He will be recording the Alice Acoustic Lounge which runs at around 3:15p those days, so I will move your sponsorships there.

Cool?

Teresa

Teresa Nevarez 865 Battery Street San Francisco, CA 94111
(415) 765-4174 (415) 765-4084 fax nevarez@sfradio.cbs.com

000016

From

Nevarez, Teresa

To

'Patrick Gilles'

Cool. I'll book it. Yes the Daily Game is in the Morning Show.

The promotional credit is for promo inventory that is managed by promotions (ie: the Now & Zen ads, our appearances, bar nights, etc) My manager manages sales inventory which is separate. Rule of thumb for promotional inventory availability: the worst time (least amount of inventory) is before our events: Now & Zen, Winterland, 3 Minute Film Fest, Summerthing. Next tough time is T.V. sweeps time: May, November, some Feb, & some Sept. as we do a ton of T.V. sweeps promotions. The rest of the year is better. And yes, Denise in promotions would love the most amount of lead time possible. Once something is booked in her promo book, it stays there, where we in sales have more flexibility with our inventory.

Hope this helps.

Teresa

-----Original Message-----

From: Patrick Gilles [mailto:patrickgilles@yahoo.com]

Sent: Tuesday, September 06, 2005 3:52 PM

To: Nevarez, Teresa

Subject: RE: Wonderbread 5, Friday Sept 16th

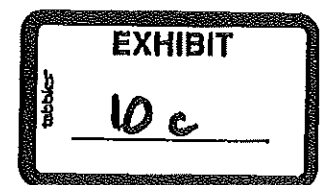
Thanks. Let's move forward with the \$1,000 package. That is the morning show, correct? I will send a check for the last package (\$1,500) on Friday if that's okay. I have to take it from our upcoming show's payment.

Lastly, is the promotional credit for the Chevy's show specific to certain types of ads, or is it a matter of more lead time? Please let me know.

Thanks so much,
Pat

"Nevarez, Teresa" <nevarez@sfradio.cbs.com> wrote:
Hi Pat!

Great to see you too. You guys are always a fun time!



000018

Regarding the week of 9/12, this is what I have:

Sponsorship of the Daily Game. 1 per day for 5 days. This is the :10 live read script. This will be \$1,000.00. (5 spots at \$200 each)

Unfortunately I do not have promo inventory available for a giveaway. That week is only Now & Zen & Taco Nation ticket giveaways for our show on 9/25. Would you like to come by the way?

Also, checked with promotions about the Jay Slegan credit. That credit is for promotional inventory (which I don't have that week), but let me know when you want to use that and I can set it up for you too.

Let me know what you want to do. Also, if this works, can I get a check sent soon as my credit department will ask.

Thanks again!

Teresa

-----Original Message-----

From: Patrick Gilles [mailto:patrickgilles@yahoo.com]

Sent: Sunday, September 04, 2005 5:36 PM

To: Teresa Nevarez

Subject: Wonderbread 5, Friday Sept 16th

Hello Teresa, it was nice to see you at the Chevy's party the other night. I wanted to check in with you about running our usual morning spot ad package for the upcoming Wonderbread 5 show at the Red Devil Lounge on Friday, September 16th. According to Jay Slegan, as part of our compensation for the last event, we were given credit for advertisements. I was hoping you could confirm this and we could move forward with the spots.

I hope you had a great three day weekend. Sorry to put you back to work so soon after the holiday.

Thank you,
Pat Gilles
415-827-0405

000020

From: Jay Siegan <jay@jaysieganpresents.com>
To: Jacqie Loia <jacqie@jaysieganpresents.com>
Cc: Chris Adams <chip@wonderbread5.com>; Patrick Giles
<patrickgilles@yahoo.com>; John McDill <jmcdill@mac.com>; Jeff
Fletcher <jeffreyaletcher@comcast.net>; Chris Adams
<chris.adams@ubisoft.com>; Tommy Rickard
<trtommy@comcast.net>; Sarah Aldinger
<sarah@jaysieganpresents.com>
Sent: Saturday, December 10, 2005 3:02 PM
Subject: calendar confusion - WB5

Folks -

There is some confusion about an e-mail I accidentally sent Pat for a gig in Cabo San Lucas, Mexico. It has nothing to do with WB5 -- It's a Cheeseballs gig.. Not Notorious or WB5. Sorry for the confusion.

To be clear, I wasn't sending that out to ruffle anyone's feathers. It was accidental that I sent it to Pat -- I sent him 10 +/- e-mails a day between WB5 and the RDL -- every so often he'll get one not intended for him. I'm sure it will happen again. Probably next time i get a \$250,000.00 gig for Pop Rocks to play for 5 minutes in Paris.

Now, to be truthful I'm always happy if you guys feel fired up to get more gigs because you hear of someone else's success. I'll admit that I am glad to keep everyone hyped to aspire for bigger/better gigs -- I think I've come up with my own subtle ways to do that for years. Hopefully you all trust that I do that with good intentions and integrity.

More gigs = more money. Success breeds success. That sort of thing.

So please get me a new video before the year 2009 so I can send WB5 to Cabo too.

Love,

Me



JSP 1655 Polk Street | Suite 1
San Francisco | CA | 94109
t: (415) 447-4730 | f: (415) 447-4230
e: jay@jaysieganpresents.com | w: <http://www.jaysieganpresents.com>
nightclub: <http://www.reddevillounge.com>

Mon, May 1, 2006 at 5:52 PM

May 1, 2006

Message starred

Re: Wonder Bread 5

cancelled date: WB5051306

- Cabo Tahoe

from Patrick Gilles to 1 recipient

Hide Details

From

Patrick Gilles

To

Jeffrey Fletcher

I think you should settle down a bit before sending out emails like this. Jay and I were both caught off guard and we're trying to figure it out. This kind of insulting stuff isn't going to work well in a constructive dialogue. We're trying to get some answers from them. At this point, Some guy (out of the clear blue sky) contact Jay with this bombshell. I'm trying to find out from Aron Hagar what's really going on.

Pat

Jeffrey Fletcher <jeffreyafletcher@comcast.net> wrote:

What the fuck is this shit! This is ridiculous! I have no idea how to notify these people who have already booked their room?

On 5/1/06 5:07 PM, "Jay Slegan" <jay@jaysleganpresents.com> wrote:



Wonder Bread 5 Cancelled Date:

Date: Saturday, May 13, 2006

Event: Cabo Tahoe, South Lake Tahoe, NV

Compensation: \$1500.00 guarantee

Time Line: 10:30pm - 2:30am.

Production: Provided by Purchaser

Lights: Provided by Purchaser

Backline: Provided by Artist

Booked on 3/27/06. 3 double rooms. Located in Harvey's. Sammy Hagar will be playing across the street that night, so they are anticipating a large crowd in Cabo Tahoe. (He might show up and play with you guys... not really sure). They do not charge a cover.

JSP 1655 Polk Street | Suite 1

San Francisco | CA | 94109

t: (415) 447-4730 | f: (415) 447-4230

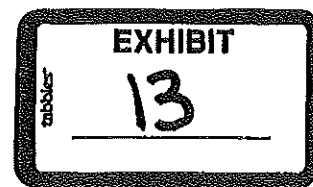
e: jay@jaysieganpresents.com | w: <http://www.jaysieganpresents.com>

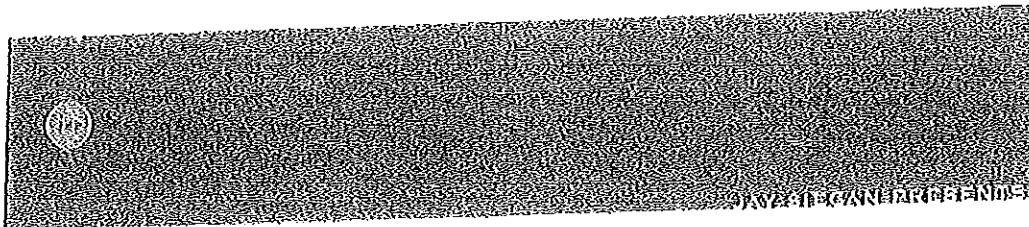
Note: forwarded message attached.

From: Jay Siegan <jay@jaysieganpresents.com>
Date: October 3, 2006 4:10:29 PM PDT
To: Patrick Gilles <patrickgilles@yahoo.com>

jeff just came at me saying that I am "punishing the band" for not having a video and that the band is the "low band on the totem pole" at jsp. this sounds like language i've heard you use. what gives on that?

JSP 1655 Polk Street | Suite 1
San Francisco | CA | 94109
t: (415) 447-4730 | f: (415) 447-4230
e: jay@jaysieganpresents.com | w: <http://www.jaysieganpresents.com>
nightclub: <http://www.reddevillounge.com>





6/10/01

Wonder Bread's
Patrick Giles
240 Lowell Ave
Irvine Valley, CA 92611 USA

Dear Patrick,

As per the verbal agreement between Chris Adams, Pat (Giles), John McDill, Terence Rickard and Jay Siegan (hereinafter "Wonderbread's corp"), I will be depositing a percentage (25%) of each one of our individual shares from certain Wonder Bread's performances into the Wonderbread's corp account at Mission National Bank.

A summary of points regarding our agreement:

- 25% of each member's share of each Wonder Bread's performance where we are paid and compensated by check will go into this account. All performances where we are not compensated by check will not be included.
- Our collective intention is to leave this money untouched for 2 years from today.
- If it is prudent to move this money into high interest banking account once it has accumulated, Pat will notify us and we will have a meeting to mutually agree on this.
- Anyone may pull their money out of this account at any time. You may only take out your own contributions, not a smaller portion. Once you have withdrawn your money from this account, you are withdrawing from this agreement.
- Pat Giles is in charge of maintaining this account, including telling the rest of Wonderbread's corp know of any changes, or changes in the nature of this account.
- After each deposit we make into the account, I will send each member their check stub acknowledging the deposit.
- These deposits will always be made within one week of payment for the performance.

Please don't hesitate to call me with any questions or concerns.

Sincerely,

Jay Siegan
Jay Siegan



000003

"WonderBar" Account - Wonderbread5.com, LLC

Year-to-Date Total - 2001

J. Slegan TOTAL:	\$2,821.37
T. Rickard TOTAL:	\$2,335.59
P. Gillis TOTAL:	\$2,821.37
C. Adams TOTAL:	\$2,821.37
J. McDill TOTAL:	\$2,821.37
J. Fletcher TOTAL:	\$589.78
 TOTAL YEAR:	 \$14,210.85
Minus Account Fees:	\$5.80
Minus T. Rickard Cashout (10/31/01):	\$2,335.59
CURRENT BALANCE:	\$11,869.46

11/27/01
3:13 PM

000004



JAY SIEGAN PRESENTS

6/19/01

Wonder Bread 5
Patrick Gilles
240 Lovell Ave.
Mil Valley, CA 94041 USA

Dear Patrick,

As per the verbal agreement between Chris Adams, Pat Gilles, John McDill, Tommy Rickard and Jay Siegan (hereinafter "Wonderbread5.com"), I will be depositing a percentage (25%) of each one of our individual shares from certain Wonder Bread 5 performance into the Wonderbread5.com account at Mission National Bank.

A couple of points regarding our agreement:

- 25% of each members share of each Wonder Bread 5 performance where we are hired and compensated by check will go into this account. All performances where we are not compensated by check will not be included.
- Our collective intention is to leave this money untouched for 2 years from today.
- If it is prudent to move this money into high-interest bearing account once it has accumulated, Pat will notify us and we will have a meeting to mutually agree on this.
- Anyone may pull there money out of this account at any time. You may only take out your entire contribution, not a smaller portion. Once you have withdrawn your money from this account, you are withdrawing from this agreement.
- Pat Gilles is in charge of maintaining the account, including letting the rest of Wonderbread5.com know of any changes, or changes in the nature of the account.
- After each deposit we make into the account, I will send each member their check stub acknowledging the deposit.
- These deposits will always be made within one week of payment for the performance.

Please don't hesitate to call me with any questions or concerns.

Sincerely,

Jay Siegan
Jay Siegan

3210 TWENTY FIRST STREET
SAN FRANCISCO CA 94103 USA
WEB: WWW.JAYSIEGANPRESENTS.COM

TEL: 415 282-4456
FAX: 415 282-4474
EMAIL: J@JAYSIEGANPRESENTS.COM

JAY SIEGAN PRESENTS

Account: New Business Account
 Date: 10/31/01
 Payee: Pat Gilles
 Amount: 459.09
 Memo: WBS102701

WBS - Out

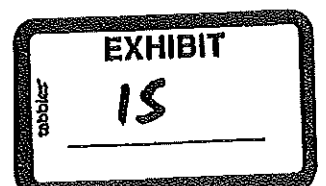
574.8
 459.09

JAY SIEGAN PRESENTS

Account: New Business Account
 Date: 10/31/01
 Payee: Wonder Bread S
 Amount: 153.28
 Memo: WBS102701 - P. Gilles

WBS - Out

575.3
 153.28



Monday, July 9, 2001
ISP QUICKEN ACCT - How Business Account

Page: 1

Wonder Bread 5.com deposits
9/23/00 through 7/9/01

*Part - Full, MILES ARE THE WB5.COM DEPOSITS SO
FAR. SLOWLY BUT SURELY! - JAY*

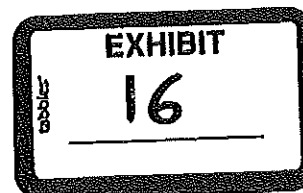
Date	Num	Payee	Memo	Category	Ch	Amount
6/22/01	5283	Wonder Bread 5	WB5061801 - J. Siegan	WB5 - Out	✓	220.84
6/22/01	5284	Wonder Bread 5	WB5061801 - T. Rickard	WB5 - Out	✓	220.84
6/22/01	5285	Wonder Bread 5	WB5061801 - P. Gilles	WB5 - Out	✓	220.84
6/22/01	5286	Wonder Bread 5	WB5061801 - C. Adams	WB5 - Out	✓	220.84
6/22/01	5287	Wonder Bread 5	WB5061801 - J. McDill	WB5 - Out	✓	220.84
6/22/01	5296	Wonder Bread 5	WB5062101 - J. McDill	WB5 - Out	✓	83.33
6/22/01	5297	Wonder Bread 5	WB5062101 - J. Siegan	WB5 - Out	✓	83.33
6/22/01	5298	Wonder Bread 5	WB5062101 - C. Adams	WB5 - Out	✓	83.33
6/22/01	5299	Wonder Bread 5	WB5062101 - P. Gilles	WB5 - Out	✓	83.33
6/22/01	5300	Wonder Bread 5	WB5062101 - T. Rickard	WB5 - Out	✓	83.33
6/27/01	5312	Wonder Bread 5	WB5061901 - J. Siegan	WB5 - Out	✓	161.11
6/27/01	5313	Wonder Bread 5	WB5061901 - P. Gilles	WB5 - Out	✓	161.11
6/27/01	5314	Wonder Bread 5	WB5061901 - C. Adams	WB5 - Out	✓	161.11
6/27/01	5315	Wonder Bread 5	WB5061901 - T. Rickard	WB5 - Out	✓	161.11
6/27/01	5316	Wonder Bread 5	WB5061901 - J. McDill	WB5 - Out	✓	161.11
7/9/01	5346	Wonder Bread 5	WB5070301 - J. Siegan	WB5 - Out		75.00
7/9/01	5347	Wonder Bread 5	WB5070301 - P. Gilles	WB5 - Out		75.00
7/9/01	5348	Wonder Bread 5	WB5070301 - J. McDill	WB5 - Out		75.00
7/9/01	5349	Wonder Bread 5	WB5070301 - T. Rickard	WB5 - Out		75.00
7/9/01	5350	Wonder Bread 5	WB5070301 - C. Adams	WB5 - Out		75.00
7/9/01	5351	Wonder Bread 5	WB5070401 - J. Siegan	WB5 - Out		83.33
7/9/01	5352	Wonder Bread 5	WB5070401 - P. Gilles	WB5 - Out		83.33
7/9/01	5353	Wonder Bread 5	WB5070401 - J. McDill	WB5 - Out		83.33
7/9/01	5354	Wonder Bread 5	WB5070401 - T. Rickard	WB5 - Out		83.33
7/9/01	5355	Wonder Bread 5	WB5070401 - C. Adams	WB5 - Out		83.33

(118.00)

Total 9/23/00 - 7/9/01

Total Inflows 0.00
Total Outflows 2,118.00

Net Total 3,118.00



000006

WONDER BREAD S.COM ACCOUNT

ALL TRANSACTIONS

6/22/015283	Wonder Bread S	WB5061801 - J. Stegan	WB5 - Out	-220.83
6/22/015284	Wonder Bread S	WB5061801 - T. Rickard	WB5 - Out	-220.83
6/22/015285	Wonder Bread S	WB5061801 - P. Gilles	WB5 - Out	-220.83
6/22/015286	Wonder Bread S	WB5061801 - C. Adams	WB5 - Out	-220.83
6/22/015287	Wonder Bread S	WB5061801 - J. McDill	WB5 - Out	-220.83
6/22/015296	Wonder Bread S	WB5062101 - J. McDill	WB5 - Out	-83.33
6/22/015297	Wonder Bread S	WB5062101 - J. Stegan	WB5 - Out	-83.33
6/22/015298	Wonder Bread S	WB5062101 - C. Adams	WB5 - Out	-83.33
6/22/015299	Wonder Bread S	WB5062101 - P. Gilles	WB5 - Out	-83.33
6/22/015300	Wonder Bread S	WB5062101 - T. Rickard	WB5 - Out	-83.33
6/27/015312	Wonder Bread S	WB5061801 - J. Stegan	WB5 - Out	-161.11
6/27/015313	Wonder Bread S	WB5061801 - P. Gilles	WB5 - Out	-161.11
6/27/015314	Wonder Bread S	WB5061801 - C. Adams	WB5 - Out	-161.11
6/27/015315	Wonder Bread S	WB5061801 - T. Rickard	WB5 - Out	-161.11
6/27/015316	Wonder Bread S	WB5061801 - J. McDill	WB5 - Out	-161.11
7/10/015346	Wonder Bread S	WB5070301 - J. Stegan	WB5 - Out	-75.00
7/10/015347	Wonder Bread S	WB5070301 - P. Gilles	WB5 - Out	-75.00
7/10/015348	Wonder Bread S	WB5070301 - J. McDill	WB5 - Out	-75.00
7/10/015349	Wonder Bread S	WB5070301 - T. Rickard	WB5 - Out	-75.00
7/10/015350	Wonder Bread S	WB5070301 - C. Adams	WB5 - Out	-75.00
7/10/015351	Wonder Bread S	WB5070401 - J. Stegan	WB5 - Out	-83.33
7/10/015352	Wonder Bread S	WB5070401 - P. Gilles	WB5 - Out	-83.33
7/10/015353	Wonder Bread S	WB5070401 - J. McDill	WB5 - Out	-83.33
7/10/015354	Wonder Bread S	WB5070401 - T. Rickard	WB5 - Out	-83.33
7/10/015355	Wonder Bread S	WB5070401 - C. Adams	WB5 - Out	-83.33
7/25/015401	Wonder Bread S	WB5072401 - J. Stegan	WB5 - Out	-96.00
7/25/015402	Wonder Bread S	WB5072401 - P. Gilles	WB5 - Out	-96.00
7/25/015403	Wonder Bread S	WB5072401 - T. Rickard	WB5 - Out	-96.00
7/25/015404	Wonder Bread S	WB5072401 - C. Adams	WB5 - Out	-96.00
7/25/015405	Wonder Bread S	WB5072401 - J. McDill	WB5 - Out	-96.00
7/30/015419	Wonder Bread S	WB5072801 DAY - J. Stegan	WB5 - Out	-77.08
7/30/015420	Wonder Bread S	WB5072801 DAY - T. Rickard	WB5 - Out	-77.08
7/30/015421	Wonder Bread S	WB5072801 DAY - P. Gilles	WB5 - Out	-77.08
7/30/015422	Wonder Bread S	WB5072801 DAY - J. McDill	WB5 - Out	-77.08
7/30/015423	Wonder Bread S	WB5072801 DAY - C. Adams	WB5 - Out	-77.08
7/30/015430	Wonder Bread S	WB5072801 EVE - C. Adams	WB5 - Out	-220.83
7/30/015431	Wonder Bread S	WB5072801 EVE - J. Stegan	WB5 - Out	-220.83
7/30/015432	Wonder Bread S	WB5072801 EVE - P. Gilles	WB5 - Out	-220.83
7/30/015433	Wonder Bread S	WB5072801 EVE - T. Rickard	WB5 - Out	-220.83
7/30/015434	Wonder Bread S	WB5072801 EVE - J. McDill	WB5 - Out	-220.83
7/31/015461	Wonder Bread S	WB5073001 - J. McDill	WB5 - Out	-197.91
7/31/015462	Wonder Bread S	WB5073001 - J. Stegan	WB5 - Out	-197.91
7/31/015463	Wonder Bread S	WB5073001 - T. Rickard	WB5 - Out	-197.91
7/31/015464	Wonder Bread S	WB5073001 - P. Gilles	WB5 - Out	-197.91
7/31/015465	Wonder Bread S	WB5073001 - C. Adams	WB5 - Out	-197.91
8/7/01 5480	Wonder Bread S	WB5080401 - J. Stegan	WB5 - Out	-208.33
8/7/01 5481	Wonder Bread S	WB5080401 - T. Rickard	WB5 - Out	-208.33
8/7/01 5482	Wonder Bread S	WB5080401 - C. Adams	WB5 - Out	-208.33
8/7/01 5483	Wonder Bread S	WB5080401 - J. McDill	WB5 - Out	-208.33
8/7/01 5484	Wonder Bread S	WB5080401 - P. Gilles	WB5 - Out	-208.33
8/13/015502	Wonder Bread S	WB5080901 - P. Gilles	WB5 - Out	-220.83

000007

0/13/015503	Wonder Bread 5	WB5000901 - J. Siegan	WB5 - Out	-220.03
0/13/015504	Wonder Bread 5	WB5000901 - J. McDill	WB5 - Out	-220.03
0/13/015505	Wonder Bread 5	WB5000901 - C. Adams	WB5 - Out	-220.03
0/13/015506	Wonder Bread 5	WB5000901 - T. Rickard	WB5 - Out	-220.03
0/13/015509	Wonder Bread 5	WB5000401 - P. Gilles (balance due to acct.)	WB5 - Out	-12.50
0/13/015510	Wonder Bread 5	WB5000401 - J. Siegan (balance due to acct.)	WB5 - Out	-12.50
0/13/015511	Wonder Bread 5	WB5000401 - T. Rickard (balance due to acct.)	WB5 - Out	-12.50
0/13/015512	Wonder Bread 5	WB5000401 - J. McDill (balance due to acct.)	WB5 - Out	-12.50
0/13/015513	Wonder Bread 5	WB5000401 - C. Adams (balance due to acct.)	WB5 - Out	-12.50
0/27/015543	Wonder Bread 5	WB5002501 - J. Siegan	WB5 - Out	-104.16
0/27/015544	Wonder Bread 5	WB5002501 - T. Rickard	WB5 - Out	-104.16
0/27/015545	Wonder Bread 5	WB5002501 - C. Adams	WB5 - Out	-104.16
0/27/015546	Wonder Bread 5	WB5002501 - P. Gilles	WB5 - Out	-104.16
0/27/015547	Wonder Bread 5	WB5002501 - J. McDill	WB5 - Out	-104.16
0/4/01 5505	Wonder Bread 5	WB5090201DAY - J. McDill	WB5 - Out	-39.11
0/4/01 5506	Wonder Bread 5	WB5090201DAY - J. Siegan	WB5 - Out	-39.11
0/4/01 5507	Wonder Bread 5	WB5090201DAY - T. Rickard	WB5 - Out	-39.11
0/4/01 5508	Wonder Bread 5	WB5090201DAY - C. Adams	WB5 - Out	-39.11
0/4/01 5509	Wonder Bread 5	WB5090201DAY - P. Gilles	WB5 - Out	-39.11
0/4/01 5576	Wonder Bread 5	WB5090201EVE - P. Gilles	WB5 - Out	-95.03
0/4/01 5577	Wonder Bread 5	WB5090201EVE - J. Siegan	WB5 - Out	-95.03
0/4/01 5578	Wonder Bread 5	WB5090201EVE - C. Adams	WB5 - Out	-95.03
0/4/01 5579	Wonder Bread 5	WB5090201EVE - T. Rickard	WB5 - Out	-95.03
0/4/01 5580	Wonder Bread 5	WB5090201EVE - J. McDill	WB5 - Out	-95.03
0/10/015601	Wonder Bread 5	WB5091501 - T. Rickard	WB5 - Out	-75.00
0/10/015602	Wonder Bread 5	WB5091501 - J. Siegan	WB5 - Out	-75.00
0/10/015604	Wonder Bread 5	WB5091501 - C. Adams	WB5 - Out	-75.00
0/10/015605	Wonder Bread 5	WB5091501 - J. McDill	WB5 - Out	-75.00
0/10/015606	Wonder Bread 5	WB5091501 - P. Gilles	WB5 - Out	-75.00
10/2/015643	Wonder Bread 5	WB5092901 - T. Rickard	WB5 - Out	-156.25
10/2/015644	Wonder Bread 5	WB5092901 - J. Siegan	WB5 - Out	-156.25
10/2/015651	Wonder Bread 5	WB5092901 - P. Gilles	WB5 - Out	-156.25
10/2/015652	Wonder Bread 5	WB5092901 - C. Adams	WB5 - Out	-156.25
10/2/015653	Wonder Bread 5	WB5092901 - J. McDill	WB5 - Out	-156.25
10/2/015660	Wonder Bread 5	WB5093001 - J. McDill	WB5 - Out	-104.16
10/2/015661	Wonder Bread 5	WB5093001 - J. Siegan	WB5 - Out	-104.16
10/2/015662	Wonder Bread 5	WB5093001 - C. Adams	WB5 - Out	-104.16
10/2/015663	Wonder Bread 5	WB5093001 - P. Gilles	WB5 - Out	-104.16
10/12/015697	Wonder Bread 5	WB5100601 - J. Siegan	WB5 - Out	-104.00
10/12/015698	Wonder Bread 5	WB5100601 - J. Fletcher	WB5 - Out	-104.00
10/12/015699	Wonder Bread 5	WB5100601 - C. Adams	WB5 - Out	-104.00
10/12/015700	Wonder Bread 5	WB5100601 - T. Rickard	WB5 - Out	-104.00
10/12/015701	Wonder Bread 5	WB5100601 - J. McDill	WB5 - Out	-104.00
10/12/015702	Wonder Bread 5	WB5100601 - P. Gilles	WB5 - Out	-104.00
10/31/015751	Wonder Bread 5	WB5102701 - J. Fletcher	WB5 - Out	-153.20
10/31/015752	Wonder Bread 5	WB5102701 - J. McDill	WB5 - Out	-153.20
10/31/015753	Wonder Bread 5	WB5102701 - P. Gilles	WB5 - Out	-153.20
10/31/015754	Wonder Bread 5	WB5102701 - C. Adams	WB5 - Out	-153.20
10/31/015755	Wonder Bread 5	WB5102701 - J. Siegan	WB5 - Out	-153.20
11/0/015770	Wonder Bread 5	WB5110701 - J. Fletcher	WB5 - Out	-137.50
11/0/015779	Wonder Bread 5	WB5110701 - J. McDill	WB5 - Out	-137.50
11/0/015780	Wonder Bread 5	WB5110701 - C. Adams	WB5 - Out	-137.50
11/0/015781	Wonder Bread 5	WB5110701 - P. Gilles	WB5 - Out	-137.50
11/0/015782	Wonder Bread 5	WB5110701 - J. Siegan	WB5 - Out	-137.50
11/19/015874	Wonder Bread 5	WB5111001 - J. Siegan	WB5 - Out	-120.00
11/19/015875	Wonder Bread 5	WB5111001 - J. Fletcher	WB5 - Out	-120.00
11/19/015876	Wonder Bread 5	WB5111001 - C. Adams	WB5 - Out	-120.00

000008

11/19/015027	Wonder Bread S	WBS111001 - P. Gilles
11/19/015028	Wonder Bread S	WBS111001 - J. McGill
11/19/015029	Wonder Bread S	WBS111101 - J. Siegm
11/19/015030	Wonder Bread S	WBS111101 - J. Hatcher
11/19/015031	Wonder Bread S	WBS111101 - C. Adams
11/19/015032	Wonder Bread S	WBS111101 - P. Gilles
11/19/015033	Wonder Bread S	WBS111101 - J. McGill

WBS - Out	-120.00
WBS - Out	-120.00
WBS - Out	-75.00
WBS - Out	-75.00
WBS - Out	-75.00
WBS - Out	-75.00
WBS - Out	-75.00

Total 9/23/00 - 11/19/01
Total Outflows
Net Total

-
-14,210.05
-14,210.05
-14,210.05

000009

No. 1

35551


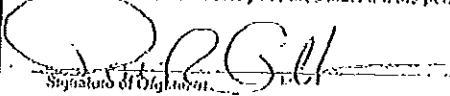
	State of California Bill Jones Secretary of State	Filed 10/19/2000
	LIMITED LIABILITY COMPANY ARTICLES OF ORGANIZATION	FILED Office of the Secretary of State State of California OCT 19 2000 <i>Bill Jones</i> BILL JONES, Secretary of State This Space For Filing Use Only
A \$70.00 filing fee must accompany this form. IMPORTANT - Read instructions before completing this form.		
1. Name of the limited liability company (and its name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.P.") <u>Wanderbread S. Co. LLC</u>		
2. The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the formerly known limited liability company act.		
3. Name the agent for service of process and check the appropriate provision below. <u>Patrick Gilles</u> which is <input checked="" type="checkbox"/> an individual residing in California. Proceed to item 4. <input type="checkbox"/> a corporation which has filed a certificate pursuant to section 1505. Proceed to item 5.		
4. If an individual, California address of the agent for service of process. Address: <u>900 S. Main St. Suite 100</u> City: <u>San Jose</u> State: <u>CA</u> Zip Code: <u>95128</u>		
5. The limited liability company will be managed by (check one) <input type="checkbox"/> one manager <input type="checkbox"/> more than one manager <input checked="" type="checkbox"/> one or more member limited liability company <input type="checkbox"/> all limited liability company members		
6. Other matters to be included in this certificate may be set forth on separate attached pages and are made a part of this certificate. Other matters may include the latest date on which the limited liability company is to dissolve.		
7. Number of pages attached, if any: _____		
8. Type of business of the limited liability company (for informational purposes only) <u>Executive Search and Consulting Company</u>		
9. DECLARATION: It is hereby declared that I am the person who executed this instrument, which execution is my act and deed.  <u>Patrick Gilles</u> Signature of Organizer Type or Print Name of Organizer		
10. RETURN TO: NAME <u>Wanderbread S. Co. LLC</u> FIRM <u>P.B. 10715</u> ADDRESS <u>San Rafael, CA 94901</u> CITY/STATE <u>San Rafael, CA 94901</u> ZIP CODE _____		
SEC-STATE (REV. 12/99)		FORM LLC-1 - FILING FEE \$70.00 Approved by Secretary of State

EXHIBIT
18

000001

State of California



SECRETARY OF STATE

I, *Bill Jones*, Secretary of State of the State of California, hereby certify

That the attached transcript of *1* page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF I execute this
certificate and affix the Great Seal of
the State of California this day of

OCT 23 1900

Bill Jones



000002

Mon, Aug 23, 2004 at 1:11 AM

Aug 23, 2004

Message starred

Re: Subs

from Tommy Rickard to you + 5 more

Hide Details

From

Tommy Rickard

To

Jeffrey Fletcher, Patrick Gilles, John McDill, 3 More...

just so y'all know, I was checking on Steve's availability before I even entertained the idea of getting a sub for the weekend of Sept. 17th. I will always let you know first if I am not available for an upcoming show. sorry for the confusion in this case.

I have, and will continue to work with Steve on fine tuning the medleys and endings.

another issue I wanted to bring up, was my leaving the band at the end of the year. Pat and I had a really constructive conversation about this on Thursday, I know some of us talked a bit about this at the show on Friday, but we never really got into the details of our conversation.

I'll skip the minor details and get right to the point. there are some really exciting, and interesting ideas bouncing around the band right now. these ideas have shed a more positive light on our future as a band. I would love to see us/you guys do all of these things we've been talking about...with or without me. I'm talking about the Jackson 5 tribute stuff, touring more in the States, and in Europe. I'd like to take until November 1st to give you guys a final decision on whether I'm leaving or not. I'm doing this to step back and look at my living situation, the band, and whether they can coexist in a positive way. believe me when I say that leaving this band is both a sad and scary thing to do. I'm so proud of what we've achieved, and the fact that we've all become extremely close friends over the past 7 years. I'm a bit torn at this moment that's why I'm asking if this November 1st date will work for everyone. this will really give me time to look at my life and make a decision that works best for me, for you, and for the band. let me know what y'all think. and please let me know how this is affecting you.

one more thing. if I do decide to leave I want you to know that while I'm in the band, I'm in the band. meaning I'll do what needs to be done. print pictures,

EXHIBIT

19

record songs, etc...

hope this makes sense, I'm still drunk from Dan's wedding yesterday.

thanks. t.

On 8/22/04 10:12 PM, "Jeffrey Fletcher" <jeffreyafletcher@covad.net> wrote:

Hey Tommy,

Steve Bowman said yesterday that you asked him to sub a bunch coming up and I was wondering what shows those are? It would be nice for us to know when you're out before the sub does. Steve is great but he needs more work. We are getting through the shows and it sounds fine but at the same time it sounds bad. He needs to work on some of the songs and almost all of the endings. Can you go over all the songs with him and let him know how all the medley's go.

Thanks.

Jeffrey

no. 3 F

Jeffrey Fletcher

From

Patrick Gilles

To

1 Attachment

113.1KB

Save to

wb5_tshirt_logo.ai

Save

Here is the t-shirt file.

On Apr 18, 2007, at 2:49 PM, Patrick Gilles wrote:

The "Venue Specific" idea is great.

"I got laid at the Powerhouse"

"I did lines at Harlows with the band"

etc.

Jay Slegan <jay@jaysleganpresents.com> wrote:

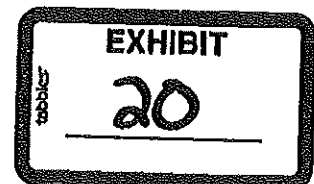
I dont mean to convolute the water, because I appreciate pat motivating to do this, but I'm not into the logos. I think a edgier, funnier design/logo/saying suits us more. those two are just sort of 'oute' is a childish way.

Im sure some of us have some funny expressions to put across a check. thoughts?

small wb5 logo with: "I fucked the keyboard player"

In all seriousness -- why don't we do a combo shirt for various venues (i.e. a powerhouse logo w/ a wonderbread 5 slogan underneath it) --- maybe the venue would pay for half?

]



000028

Wonder Bread 5
October 16, 2011

10-14-11 Power House Pub (105 photos)



Like • Comment • Share

3 1

Wonder Bread 5
October 9, 2011

FREE ALL AGES show today in San Rafael on the west end of 4th Street. We go on at 5:30 pm. Lots of stuff for the kids to do! See you there.



West End Village Celebration "Family Fun Day"
October 9, 2011 at 11:00am
between H & Shaver on 4th St. San Rafael

Join • 326 people went

Like • Comment • Share

10 8 1

Wonder Bread 5 was with Jeff Wonder and Carolyn Garcia.
October 2, 2011



Like • Comment • Share

10 3

Wonder Bread 5
October 10, 2011

This Friday make plans to be at the Power House Pub.



Powerhouse Pub
October 14, 2011 at 9:00pm
Powerhouse Pub in Folsom, California

Join • 20 people went

Like • Comment • Share

11 4

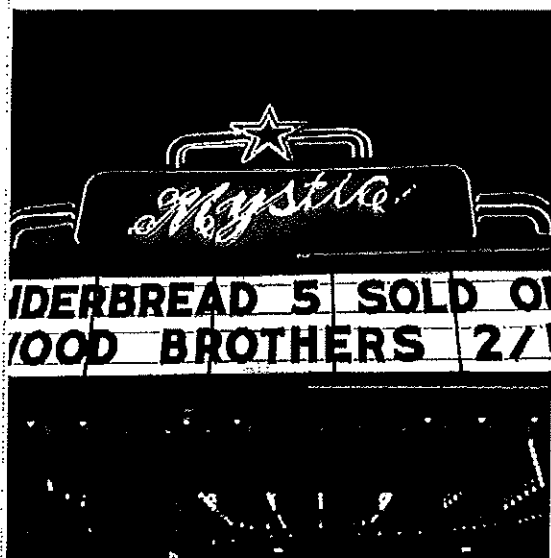
Wonder Bread 5
October 2, 2011

2011-10-01 The Shotski Truckee, CA.
The Shotski!



EXHIBIT

21

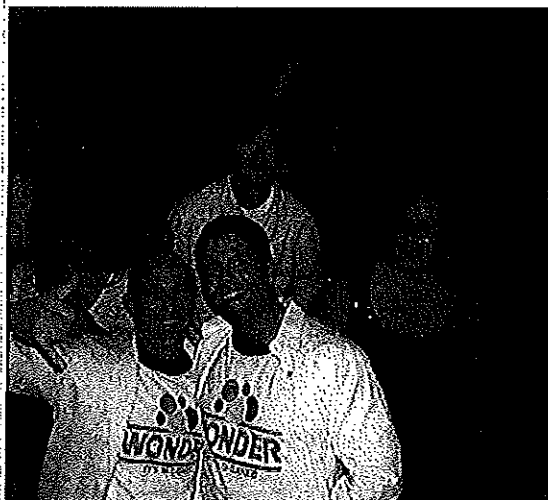


Like · Comment · Share

25 10

Wonder Bread 5
January 23, 2011

01-22-11 Bimbo's (82 photos)



Like · Comment · Share

3 11

Wonder Bread 5
January 29, 2011

01-28-11 Power House Pub (110 photos)



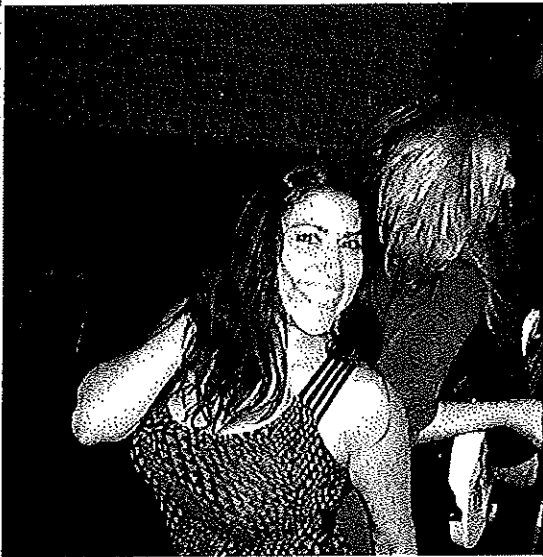
Like · Comment · Share

2 7

Wonder Bread 5
January 16, 2011

01-15-11 Strikes (101 photos)





Like • Comment • Share

13 3

Wonder Bread 5 shared a link.
January 23

George's Nightclub Friday Night! <http://conta.cc/NGpy3k>

George's Nightclub Friday Night!
conta.cc

Like • Comment • Share

3

Wonder Bread 5
January 20

94ers!

Like • Comment • Share

92 13 1

Wonder Bread 5 created an event.
January 20



Mystic Theatre - Petaluma, CA
February 23 at 8:00pm
MidYear's Mystic Theatre in Petaluma, California

Join • 65 people went

Like • Comment • Follow Post

6 3



January 25



Like • Comment • Share

94 8 2



Wonder Bread 5
January 24

Yes, crazy things happen at WB5 shows. Let's just hope this isn't one of them tomorrow night (01-25-13) Tickets still available for George's In San Rafael Tickets at wonderbread5.com Walkup's are welcome too!



Like • Comment • Share

11 10 1



Wonder Bread 5 created an event.
January 20

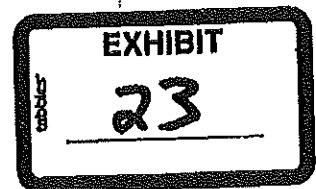


PowerHouse Pub - Folsom, CA
February 15 at 9:00pm
Powerhouse Pub in Folsom, California

Join • 38 people went

day February 1

Like • Comment • Follow Post





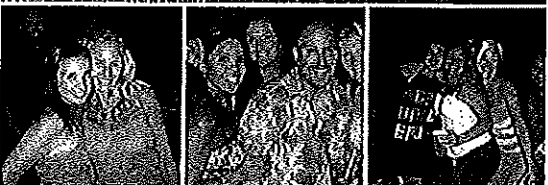
Like • Comment • Share

3 4



Wonder Bread 5
August 16, 2009

08-13-09 Crawdads (148 photos)



Like • Comment • Share

2 3



Wonder Bread 5 shared a link.
August 12, 2009



2009 08 08 Mystic Theater
www.youtube.com

Like • Comment • Share

6 7



Wonder Bread 5
August 9, 2009

08-08-09 Mystic Theater Michael Jackson Tribute! (113 photos)



Like • Comment • Share

8 11



Wonder Bread 5
August 12, 2009

08-08-09 WB5 Mystic Theater Medley



Like • Comment • Share

3 7



Wonder Bread 5
August 12, 2009

08-08-09 Mystic Theater Michael Jackson Tribute



EXHIBIT

24

Wed, Aug 20, 2008 at 8:04 PM

Aug 20, 2008

Message starred

Re: Important change !!!!

Photo shoot

from Jeffrey Fletcher to you + 3 more

Hide Details

Jeffrey Fletcher

Patrick Gilles

Chip Adams Tommy Rickard John McDill

From

To

CC

I understand Pat and Mike have moved around their schedules and I really appreciate it. I understand they also put a lot of effort into getting this going. I totally agree with you Pat but unfortunately here is the reality of the situation. Tommy forgot his suits and costumes for the photo shoot. I can't photoshop a whole photo shoot nor can I make it look like we all have matching outfits or an assortment of different looks. We need material for the website, promo posters and Jay needs new promo photo's. That being said, we need a lot of photo's and different looks, not just 2 looks unmatching. What we need right off the bat is a few matching looks for the home page of the new website. We won't have so there is no use in doing this photo shoot.

Unless Tommy can get all his costumes overnighted up here, it would be waste of time because we'd have to do the photo shoot all over again



next month to get the actual shots needed for the web and Jay. I'm all for it, doing the shoot if he could get his costumes. I'll make it work Friday, Saturday or Sunday even if I have to bring Quintin and Waylon.

I guess I'm looking at it differently. You can look at it like "not playing a gig cuz everything isnt perfect and sacrifices must be made...especially knowing this wont happen for another month". But I'm looking at it like showing up last minute to a gig without your instrument. We either play a really shitty show or we don't play at all. Waiting a month to do this makes more sense than doing it without materials. I don't have any problem paying for the rental of the equipment and Mikes time that he's already put into this.

Jeff

Sun, Mar 8, 2009 at 5:54 PM

Mar 8, 2009

Message starred

**Re: Rental Car
reimbursement Ketchum,
ID wedding**

from Jay Siegan to you + 2 more

Hide Details

Jay Siegan

patrickgilles@yahoo.com

Sarah Aldinger @ Jay Siegan Presents Tommy Rickard

Tommy,

Please incorporate into breakdown.

J

On Mar 8, 2009, at 5:46 PM, Patrick Gilles wrote:

I have faxed a copy of the receipt to the JSP office. Please reimburse me for the rental car expense. The bill is broken into 2 parts. That, which the client should reimburse and then the portion that should be reimbursed from the gross receipts from the WB5 performance pay.



\$222.23 from the client (This is the cost of the rental, plus taxes and fees)

\$88.96 from the Band/JSP (This is for the optional insurance WB5 elected to take)

Obviously, the client should not be responsible for insurance, tv monitors, spinning rims, etc. btw, I put a dollar of gas in the car. This I will absorb.

Total is \$311.19.

I would prefer to be reimbursed as soon as possible.

Thanks,

Pat

Mon, Jun 12, 2006 at 5:04 PM
Jun 12, 2006

Message starred

**Re: WB5 back up wirelss
mic**

from Tommy Rickard to you

Hide Details

Tommy Rickard

From

Patrick Gilles

To

i don't want to ever treat you the way i did on friday. i'm embarrassed.
and it'll never happen again. i can assure you of that.

i don't want to talk about this ever again. and i'm sure you don't either.
so much more going on in our lives, that we should be focussing on.

i love talking to you about anything, and everything.

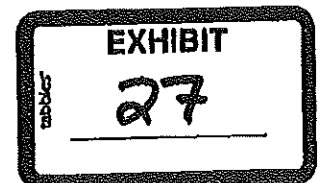
i want to hear about you writing scripts, doing videos, writing songs, your
kids, your future plans, etc...

i want to talk to you about writing songs. doing shows, playing guitar, life in
general...

i learn from you pat. as a musician and a man.

it meant a lot to me to have you backstage at the mystic playing guitar with
me, a few months back.

i probably should have told you. it really did. i would love to do that more
often pat.



you're a brilliant musician, and i love working with you. but, because what amounts to a pile of shit, we don't do that. and i need to get past that and approach you, even if i feel like you may not want to.

this was originally at the end of my email, but this is what is truly meaningful to me.

i wrote a rambling email in response to what you said, but when i read it, i realized it didn't fucking matter. the stuff above is what matters. and that's the point.

so there you go.
thanks. t.

p.s. i left on saturday because i didn't want our discussion to escalate. i thought it would be better to wait a few days. should have told you. hope you understand.

No. 9 A

PHILLIPS, ERLEWINE & GIVEN LLP

ATTORNEYS AT LAW
50 CALIFORNIA STREET, 35TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 398-0900
FAX (415) 398-0911
WWW.PHILLAW.COM

DAVID M. GIVEN
dmg@phillaw.com

September 15, 2009

Douglas B. Wroan, Esq.
The Wroan Law Firm, Inc.
5155 West Rosemead Avenue, Suite 229
Los Angeles, CA 90250

Re: Gilles v. Wonderbread 5, et al.
S.F. Superior Court Case No. CGC-09-489573

Dear Mr. Wroan:

I understand our clients' Offer of Compromise has reached you.

To the extent Corporations Code § 16701 applies to this case, this letter shall serve as the band's offer to pay for your client's "interest" in the band. The band is ready, willing and able to pay this amount forthwith, in settlement of all your client's claims and subject to dismissal of your client's legal action with prejudice.

Our August 25th letter together with the enclosed serves as an explanation of how the amount contained in the Offer of Compromise was reached. As previously discussed, the band has no assets or (known) liabilities (and therefore no liquidation value), and no balance sheet or income statement is available. Notwithstanding the enclosed, the band disputes it owes your client anything and reserves all rights on this subject, including without limitation on any damages incurred by it as a result of your client's actions.

Very truly yours,

David M. Given

DMG:hs
Encl.



000039

GILLES v. WONDERBREAD S
S.F. Superior Court Case No. CGC-09-489373

C.C.P. §998 Offer of Compromise

Data:

Gilles Annual WB5 Gross Income
(per 1099s – rounded to nearest dollar)

2004 - \$51,754

2005 - \$57,755

2006 - \$68,787

2007 - \$56,904

2008 - \$59,308

Average = \$58,902

Assumptions:

Multiplier = 1

Replacement Allocation Reduction = 1/3

Value of Share before Setoffs = \$38,875

Setoffs:

Severance Payment Received = (\$5,000)

Pro Rata Share of Transaction Costs to Band = (\$4,000 est.)

Damages to Band Caused by Gilles = TBD

Total Est. Value:

Rounded to \$30,000

-END-

000040

Request No. 5

United States of America

United States Patent and Trademark Office

Wonderbread 5

Reg. No. 3,691,948 PATRICK GILLIS (UNITED STATES INDIVIDUAL), AKA WONDERBREAD 5 AND/OR
Registered Oct. 6, 2009 WONDERBREAD FIVE

Int. Cl.: 41 240 LOVELL AVENUE
240 LOVELL AVENUE
MILL VALLEY, CA 94541

SERVICE MARK
PRINCIPAL REGISTER

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-31-1996; IN COMMERCE 10-31-1996.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

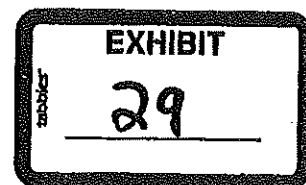
SER. NO. 77-689,156, FILED 3-12-2009.

MICHAEL KEATING, EXAMINING ATTORNEY



David S. Keating

Director of the United States Patent and Trademark Office



000032



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Company**

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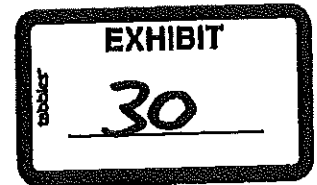
March 29, 2012

VIA CERTIFIED MAIL

David M. Given, Esq.
Phillips Erlewine & Given LLP
50 California Street, 35th Floor
San Francisco, CA 94111

RE: Wonderbread 5 vs. Patrick Gilles
Trademark Trial and Appeal Board
Cancellation No. 92052150

Dear Mr. Given:



Please accept this correspondence as our initial good faith effort to resolve a discovery dispute in this matter pursuant to TBMP § 523 *et seq.* as well as other matters related to the prosecution of this case.

As you may recall, at the onset of this case Mr. Gilles, by and through our office, submitted *Interrogatories* and *Requests for Production of Documents* to Wonderbread 5 pursuant to the applicable rules of the Board. Rather than answer our discovery, your office responded by filing a *Motion for Summary Judgment*. Our office, in turn, filed a Rule 56 Motion seeking to have your client respond to certain discovery requests prior to responding to your motion. The Board agreed with our position and on May 20, 2012 issued an order instructing your client to serve responses to our client's Interrogatory Nos. 2, 3, 10-14, 16, 19 and 20 and Document Request Nos. 6, 12 and 14 prior to considering your Motion for Summary Judgment.

Following your office's submission of the same, your client's Motion for Summary Judgment was fully briefed and opposed and, as you are also aware, decided in our client's favor on March 13, 2012. In this regard, I note that under this Order the period for discovery to close is now set for June 22, 2012. In this regard, more than two weeks have now elapsed since the issuance of this Order and we have yet to hear from your office as to when it will respond to the past-due discovery in this matter.

As such, please provide to our office complete and full responses to our client's original discovery no later than April 5, 2012 or contact my office to explain and discuss why such cannot be accomplished in said time.

Additionally, please accept this correspondence as *notice* of our client's continuing claim against his former band mates, your clients, for violations of our client's intellectual property rights including, but not limited to, use of our client's registered trademark, misappropriation of our client's likeness in advertising still being utilized by the band, as well as false advertising concerning both the trademark at issue as well as confusion created as to whether Mr. Gilles is still performing with your clients.

Now that a court has ruled on your clients' primary theory in this matter and, very clearly, rejected the same, I respectfully suggest that your clients reconsider their stance in this matter and be willing to revisit the possibility of resolving this case on a more global level once and for all.

Thank you for your time and attention to this matter. I look forward to the pleasure of your reply at your earliest convenience.

Very truly yours,

/Matthew H. Swyers/

/mbs/



Matthew H. Swyers

From: Carl A. Cohorn <cac@phillaw.com>
Sent: Monday, April 09, 2012 5:43 PM
To: mswyers@TheTrademarkCompany.com
Cc: David M. Given
Subject: Wonderbread 5 v. Gillies

Matthew,

We are in receipt of your letter concerning this matter. As I said in my voicemail last week, we are available to discuss the case (including the discovery issues raised in your letter) with you. We disagree with your contentions that your client has any right to the trademark and that he has any viable claims against our client. In addition, your letter asserts that the band is using your client's likeness in its advertising. We are unaware of any such use, and, in fact, this issue was resolved as part of the settlement of your client's state court lawsuit against the band. If you have any evidence that your client's likeness is being used, please provide it, and we will look into the issue.

We have noticed your client's deposition for Friday, April 20. However, we just learned that no conference rooms are available at our office on that date, so we may need to change the date or the location. Please advise us of your client's availability on April 20, as well as during the week of April 23.

Thank you,

--

Carl A. Cohorn

Phillips, Erlewine & Given LLP
50 California Street, 35th Floor
San Francisco, California 94111
v. 415.398.0900
f. 415.398.0911
cac@phillaw.com
www.phillaw.com

Matthew H. Swyers

From: Matthew H. Swyers <mswyers@thetrademarkcompany.com>
Sent: Tuesday, May 15, 2012 10:24 AM
To: Carl A. Cohorn (cac@phillaw.com)
Subject: Wonderbread 5 vs. Patrick Gilles; FRE 408 Applies

FRE 408 Applies

Carl:

As a follow-up to my email earlier this morning please accept this correspondence outlining our client's thoughts in regard to the final resolution of this matter.

Discontinuance of Use

Mr. Gilles continues to request that all marketing materials and performance audio containing his likeness, character, audio voice, audio performance and writings be removed from the Petitioner's website, agency's website and third party booking agent's websites. Said use includes YouTube and other assigned web hosting sites, as well as the assets www.wonderbread5.com, wonderbread5/facebook.com, wonderbread5/myspace.com and wonderbread5/twitter.com, which are assets associated with Mr. Gilles's trademark.

Video thumbnail references:



Writings: Specifically, "while maintaining it's original band line-up".

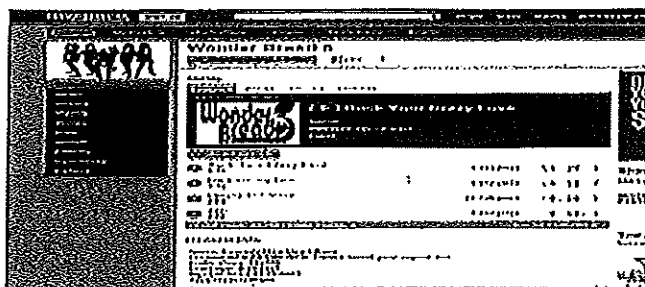
blo

For over a decade, The Wonderbread 8 have been thrilling audiences and exceeding client's expectations while maintaining it's original band line-up, Michael, Jackie, Jermaine, Marion and Action Jackson round out this unstoppable, international rock and roll party machine. Unlike those "other party bands" that seem to plug in a new member every month or so and play the same tired



Additionally, Mr. Gilles's audio performances used by Petitioners on social media websites and during live performance must be removed.

Example:



I hope that this clarifies Mr. Gilles's position in regard to this matter. Please let me know your client's thoughts on a final resolution and the removal of the above-referenced materials at your earliest convenience.

Thank you.

Matthew H. Swyers

The Trademark Company, PLLC
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Vienna, VA 22180 USA
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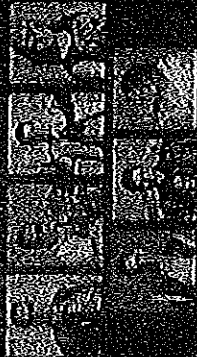


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No. 102

Tattered Love

Tattered Love is a heartwarming story of a young boy and his dog, who are both in need of love and care. The story is set in a small town where everyone knows everyone else's business. The boy and his dog are the only ones who seem to be getting along.



Wonderland 5

For over a decade, the wonderful, whimsical world of Wonderland 5 has been a place where children can escape to and enjoy. The world is filled with magic and wonder, and it's a place where everyone can find something to love.



The Zippers

Once upon a time, there was a zipper that was different from all the others. It was a zipper that could talk, and it was a zipper that was very smart.

Friday

17

August 2012

S	M	T	W	T	F	S
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EXHIBIT

31

000047

No. 192

http://www.sonomacounty.tv/sonoma-county-events-friday-monday-jan-13-16-2012/

Video Google YouTube Facebook Twitter RSS

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HOME LOCAL VIDEO SONOMA COUNTY EVENTS

Top Down Award Winning Dental Author

Sonoma County Events: Friday-Monday, Jan. 13-16, 2012

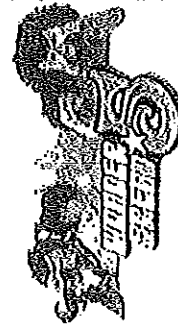
January 13th, 2012 ^ admin

Friday, January 13, 2012

Martini Madness at Saddles Restaurant - Sonoma
Barenders from Sonoma Valley restaurants, bars & pubs vie to create the best new martini. Give martini creations from local restaurants & bars, live jazz & delicious appetizers. Sample each of these unique, olive-inspired martinis & vote for your favorite! \$40 for Martini Madness & \$65 for the Martini Madness dinner package which includes admission to Martini Madness followed by a 3-course dinner at Saddles. Special room rates that night at MacArthur Place of \$199 for guestrooms or \$299 for suites, call reservations at (800) 722-1666 and ask for the Martini Madness rate.

Place: MacArthur Place Inn, 25 East MacArthur Street, Sonoma Phone: (707) 936-2929 Fax: (707) 936-2929 Event Hours: 5-7pm. Web: www.martini-madness.com

Friday, January 13, 2012



Wonderbread 5 - Sebastopol

These guys are having fun & it shows. Wonder Bread 5 provides one of the most unique live experiences you can have! They are fun, spirited and will go all night long with huge smiles on their faces, as they love doing what they do. From 70s disco to current hits, SDs new wave & rock albums to classic Jackson 5. Special guests... SALLY HAGGARD.

Place: HOPKINSON 230 Petaluma Ave., Sebastopol Phone: (707) 829-7500 Tickets: \$20. Doors Open: 8pm. Ages: 21+ Web: www.wonderbread.com

EXHIBIT

32

000048

100-104

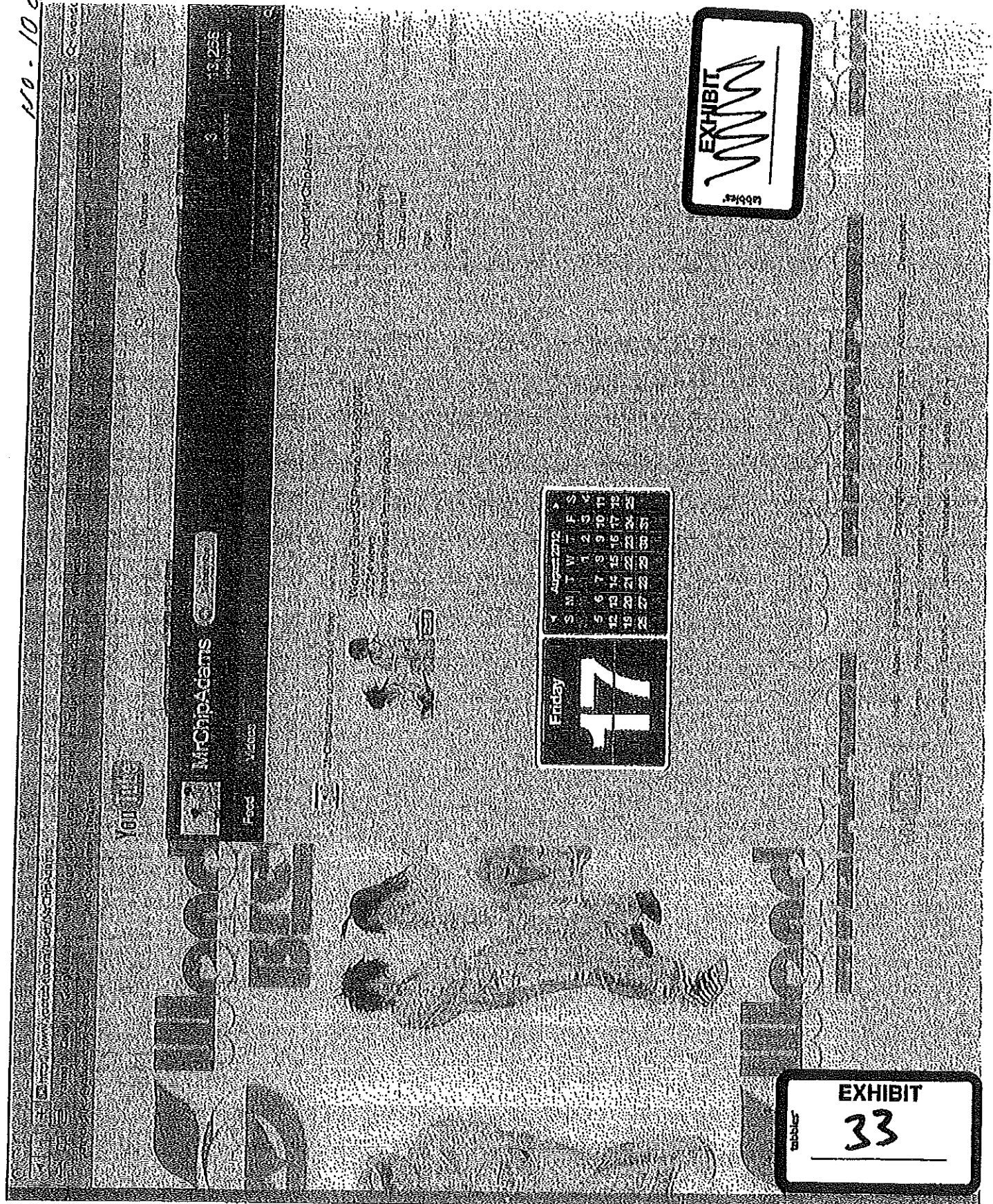


EXHIBIT
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EXHIBIT
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182

EXHIBIT
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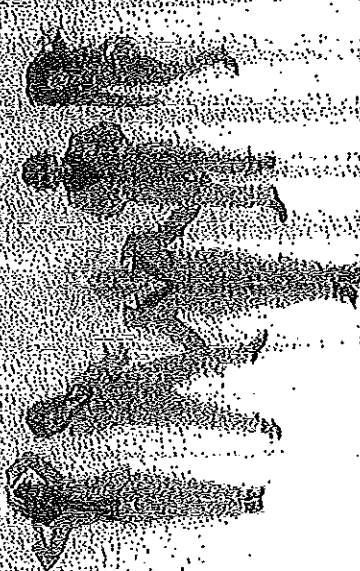
No. 107



More Artists

Wonder Bread 5

The Wonder Bread 5 has been making a name for itself in the music world. The group, consisting of five members, has been performing for several years. They have released several albums and have been featured on various television shows. The group is known for their energetic performances and their catchy tunes. They have a large following and are considered one of the most popular acts in the music industry.

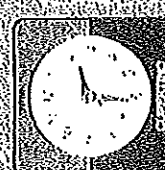


Class Weddings

These guys are really into their work. They are always looking for new ways to improve their skills. They are also very helpful to their colleagues. They are a great team and they are always working together to achieve their goals. They are also very dedicated to their work and they are always going above and beyond to make sure that everything is done perfectly.

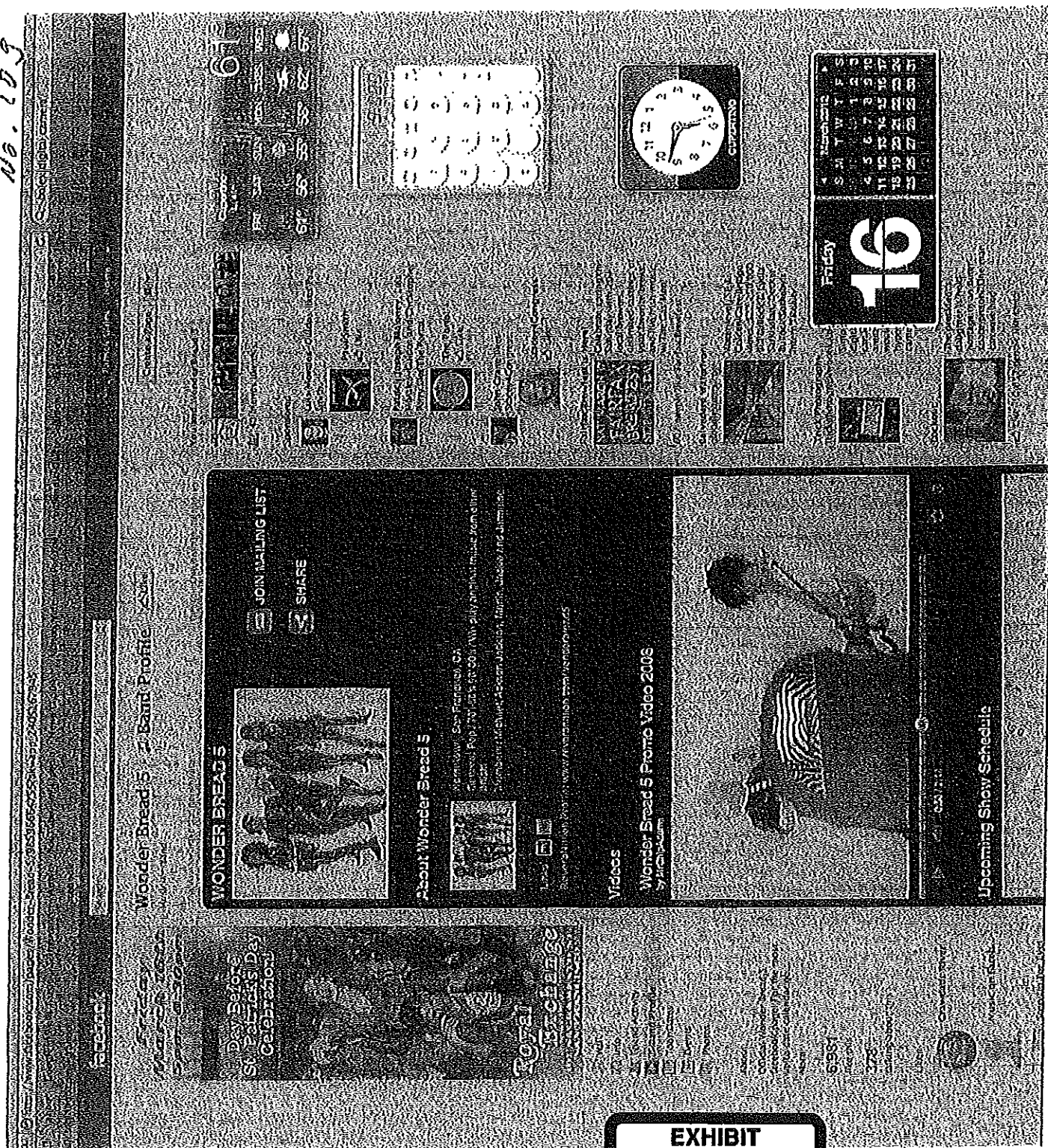


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No. 109



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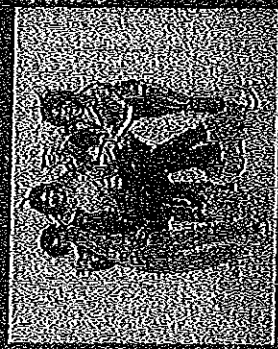
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Bar/Bar Mitzvahs • Bar & Bat Mitzvah Testimonials

Wonderbread 5



For over a decade, the irreplaceable, international rock and roll entry making known as the Wonderbread 5 have been thrilling audiences, and exceeding clients' expectations around the globe. If you need the perfect Bar Mitzvah Band, the Wonderbread 5 deliver every time. Never again the Wonderbread 5 in America's dance crowd and the video world.

WONDERBREAD 5 VIDEO

Friday

17

August 2012

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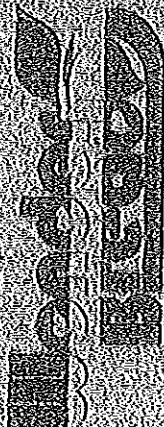
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EXHIBIT
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No. 10 K



Monday
27

For over a century, the Hopmonk has been a symbol of the hop industry in Sonoma County. The Hopmonk is a stylized figure of a hop picker, and it is the symbol of the Hopmonk of Sonoma County. The Hopmonk is a symbol of the hop industry in Sonoma County, and it is the symbol of the Hopmonk of Sonoma County. The Hopmonk is a symbol of the hop industry in Sonoma County, and it is the symbol of the Hopmonk of Sonoma County.

EXHIBIT
40

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No. 10 m

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800.800.8000

The Wonderbread Show perform the top hits of the 60's, 70's, 80's, 90's, and beyond. And like the 50's and 60's, they can give up the music is authentic. Their live show comes complete with local groups that love to follow the band all over Northern California.

Para Wonderbread's Links
[Official Website](#)

Monday

15

April 2013						
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CONCERT INFO & LINKS

Sacramento Area Concerts

Now On Sale

- Stone Temple Pilots
- Deftones
- Rush
- Cheyenne

On Sale Now

- Big Time Rush
- Bob Dylan & Mark Knopfler
- Conti Underwood
- Eric Church
- Jason Aldean
- Raven Hagg
- Hank Williams 2012
- Neil Diamond
- Sacramento Ballet
- Sacramento Philharmonic

Top H10 Songs

ONE DROGO

amazon

LIVE NATION

BROADWAY

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1000 NorCal Bands DJs Promoters Venues

EXHIBIT

41

000058

No. 10 0

Qin Dynasty

We got your
request
right here



EXHIBIT
43

000060

SUMMER DANCE PARTY FEATURING WONDER BREAD 5 @
BISTRO 33 EDH



SUMMER DANCE PARTY FEATURING WONDER BREAD 5, EVENT

(1)



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WED-SAT
4-9PM

HAPPY
HOUR

GEORGE'S
WONDER
BREAD
LIVE!
SEPTEMBER - 20

View All
Events &
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Music, Dining, Dancing - Fun!

George's Nightclub, the Day Area's premiere, upscale nightclub, bar, and lounge invites you to experience live entertainment in an exciting retro setting. Located at 842 Fourth Street in San Rafael's revitalized downtown area, George's features 5,200+ square feet of lush comfort with two full bars, dance floor, flat screen TVs, and the best of local, national and international music artists.

We have a premier line up of local bands performing rock & roll, jazz & swing standards, and American classics. Get your groove on, dance the night away, or just hang out with friends. The music will be lively and we expect and invite impromptu cameos by celebrity musicians. Join us at George's and try our modern, up-scale take on California cuisine.

Please note: George's is a 21 and over venue unless otherwise specified.

Hours of operation
Wednesday - Thursday: Please refer to our Calendar
Friday - Saturday: 7:00 pm - 2:00 am
Sunday: Please refer to our Calendar

Don't Out Wedding List's

Pats & Joy A Palooza...
31.10.2013 (09:07)

<< September 2013 >>

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Wander Breeze

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Monday

9

April 2010						
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Monday

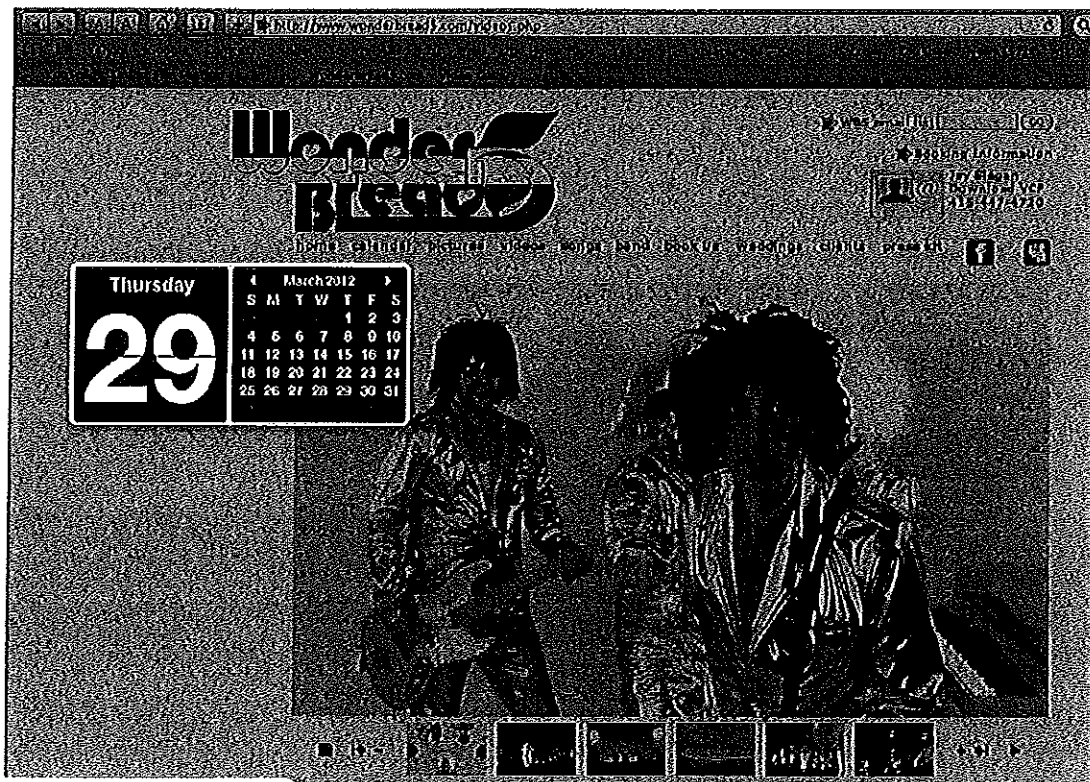
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Play

Disparito



Wino Country Entertainment

a Division of Wino Agency for High Velocity & Low Velocity

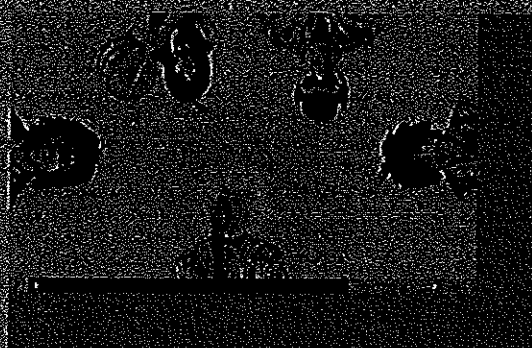
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Wonderbread 5

While Wonder Bread 5 first took to the stage as a Jackson 5/ Michael Jackson Tribute Band...

Joel Nelson PRODUCTIONS

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DATE/Bar Nights • Bar & Bar Hit

Wonderbread 5

For over a decade, the undisputed, international and most of the Wonder Bread 5 has been the most successful and most successful of the... (text is blurry)

WONDERBREAD 5 VIDEO

Video Production
 Interactive Video Games
 Games Series Photography
 Data Photography
 Directors & Producers
 Lighting Solutions
 Karaoke
 Grand Entertainment
 Bar/Club/Hotel
 Party Bus
 Private Events
 Photo Database
 DVD/Blu-ray
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Right now, the official U.S. time is:

14:46:45
 Friday, April 23, 2010
 According to US records

You're looking at Pacific Time Zone
 Standard Time Zone
 Daylight Saving Time

Time Zone Converter
 Time Zone Converter
 Time Zone Converter

Time Zone Converter
 Time Zone Converter
 Time Zone Converter

Right now, the official U.S. time is:

14:49:42
 Friday, April 23, 2010
 According to US records

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Time Zone Converter
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Time Zone Converter
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 Time Zone Converter

Albums (10/10/99) & Artists (10/10/99) & Bands (10/10/99)

10/10/99 (10/10/99) & 10/10/99 (10/10/99) & 10/10/99 (10/10/99)

The Classics in Forget Tomorrow

Tainted Love

For those who love the classic sound of the 1960s, Tainted Love is the perfect choice. This album features a collection of classic songs from the 1960s, including "Tainted Love" by Soft Cell, "I Wanna Dance with Somebody" by Whitney Houston, and "Dancing Queen" by ABBA. The album is a perfect introduction to the classic sound of the 1960s.

Wonderbread 5

Wonderbread 5 is a collection of five classic songs from the 1960s, including "Tainted Love" by Soft Cell, "I Wanna Dance with Somebody" by Whitney Houston, and "Dancing Queen" by ABBA. The album is a perfect introduction to the classic sound of the 1960s.

The Zippers

The Zippers is a collection of five classic songs from the 1960s, including "Tainted Love" by Soft Cell, "I Wanna Dance with Somebody" by Whitney Houston, and "Dancing Queen" by ABBA. The album is a perfect introduction to the classic sound of the 1960s.

The official U.S. time clock

Right now, the official U.S. time is:

14:50:26
Friday, April 23, 2010

You can check the Pacific Time Zone
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DANIEL

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Wonderbread 5

VIDEO PHOTOS

10/10/99 (10/10/99) & 10/10/99 (10/10/99) & 10/10/99 (10/10/99)

Biography

Wonderbread 5 is a collection of five classic songs from the 1960s, including "Tainted Love" by Soft Cell, "I Wanna Dance with Somebody" by Whitney Houston, and "Dancing Queen" by ABBA. The album is a perfect introduction to the classic sound of the 1960s.

Wonderbread 5

Wonderbread 5 is a collection of five classic songs from the 1960s, including "Tainted Love" by Soft Cell, "I Wanna Dance with Somebody" by Whitney Houston, and "Dancing Queen" by ABBA. The album is a perfect introduction to the classic sound of the 1960s.

The official U.S. time clock

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14:53:00
Friday, April 23, 2010

You can check the Pacific Time Zone
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Right now, the official U.S. time is:

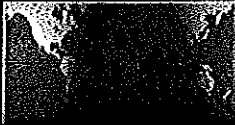
14:54:46

Friday, April 23, 2010

(America's only 0:05 - 0:00:01)

Chicago **Los Angeles**

York and the Pacific Time zone
Coordinated Universal Time
by Greenwich



Sixth
Hour
of
the
Day
in
the
Year
2010

THE OFFICIAL TIME OF THE U.S. GOVERNMENT
AT THE U.S. GOVERNMENT

(A)

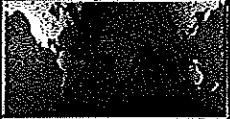
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Friday, April 23, 2010
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[illegible][illegible]



bio

For over a decade, The Wonderbread 5 have been thrilling audiences and exceeding client's expectations while maintaining it's original band line-up. Michael, Jackle, Jermaine, Tito and Marilyn round out this unstoppable, international rock and roll party machine. Unlike those "other party bands" that seem to plug in a new member every month or so and play the same tired songs from the 1980s, the Wonderbread 5 covers everything from Motown to Bean-town and back again. As a matter of fact, they'll even customize their set to include a few of your personal favorites at your request



Oh yeah, and another thing. Unlike your run-of-the-mill disco party bands, the Wonderbread 5 actually encourages their audience to join them on stage to sing, dance or whatever comes natural. And they've got the pictures to prove it!

The Wonderbread 5 is a full service party posse that includes a variety of sound systems for small corporate functions and weddings to concert hall, heart-thumping wall of sound monster power amps. Additionally, they travel with a full compliment of state of the art lighting, an experienced management staff and the best stage show since Uncle Miltie left Vaudeville for TV.

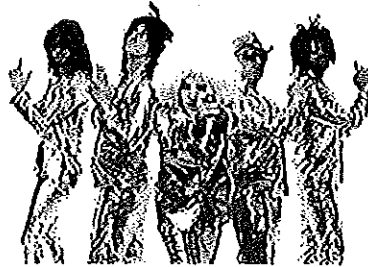
Based in the San Francisco Bay Area, these globe trotting rockers have performed their amazing stage show in over a dozen states (several times each) and have traveled as far as Puerto Rico, Hawaii and Mexico, bringing an unparalleled excitement to the young and not so young alike.

Please take a moment to view their comprehensive web site, (www.wonderbread5.com) where you'll find a complete list of clients, testimonials, videos, photos, biographies, song list, contact information and much, much more. Don't be the Party Planner in the back of the room over-hearing party-goers saying, "Uggh, they should've gotten the Wonderbread 5"..



bio

For over a decade, The Wonderbread 5 have been thrilling audiences and exceeding client's expectations while maintaining it's original band line-up. Michael, Jackie, Jermaine, Marlon and Action Jackson round out this unstoppable, international rock and roll party machine. Unlike those "other party bands" that seem to plug in a new member every month or so and play the same tired songs from the 1980s, the Wonderbread 5 covers everything from Motown to Bean-town and back again. As a matter of fact, they'll even customize their set to include a few of your personal favorites at your request.

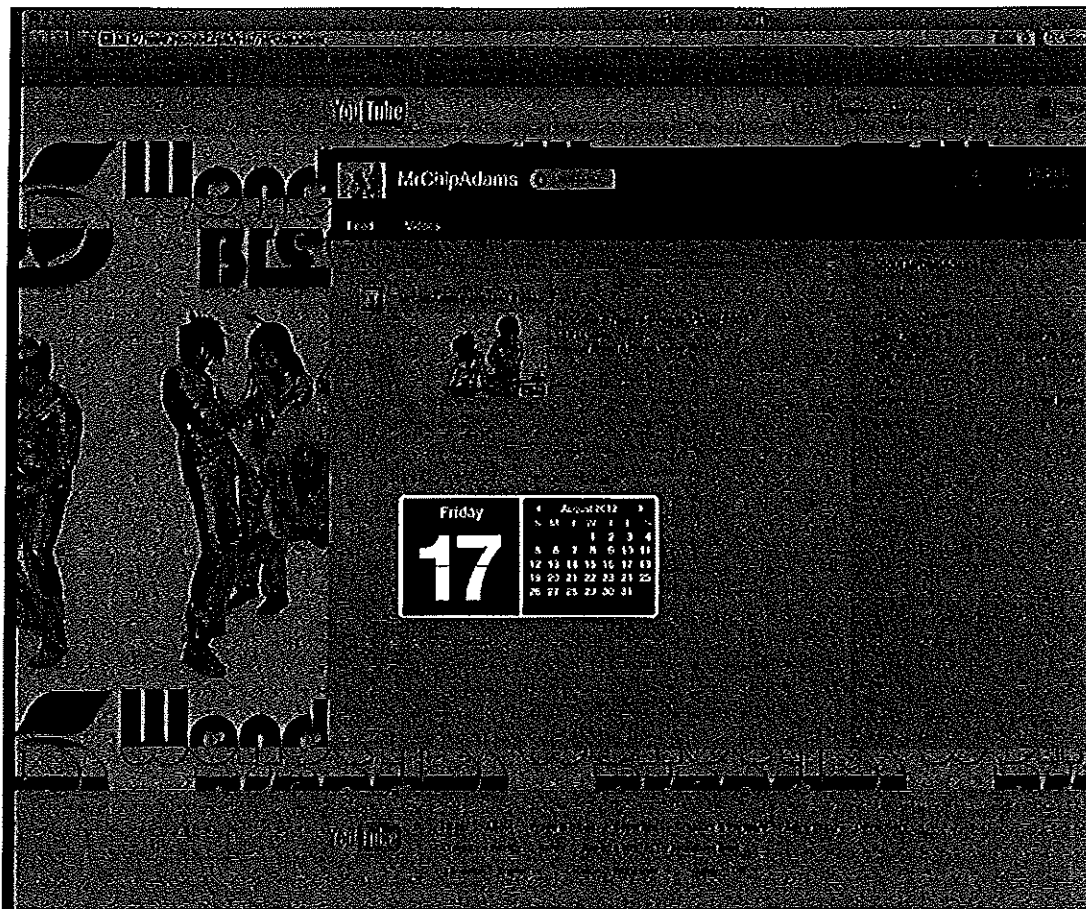


Oh yeah, and another thing. Unlike your run-of-the-mill disco party bands, the Wonderbread 5 actually encourages their audience to join them on stage to sing, dance or whatever comes natural. And they've got the pictures to prove it!

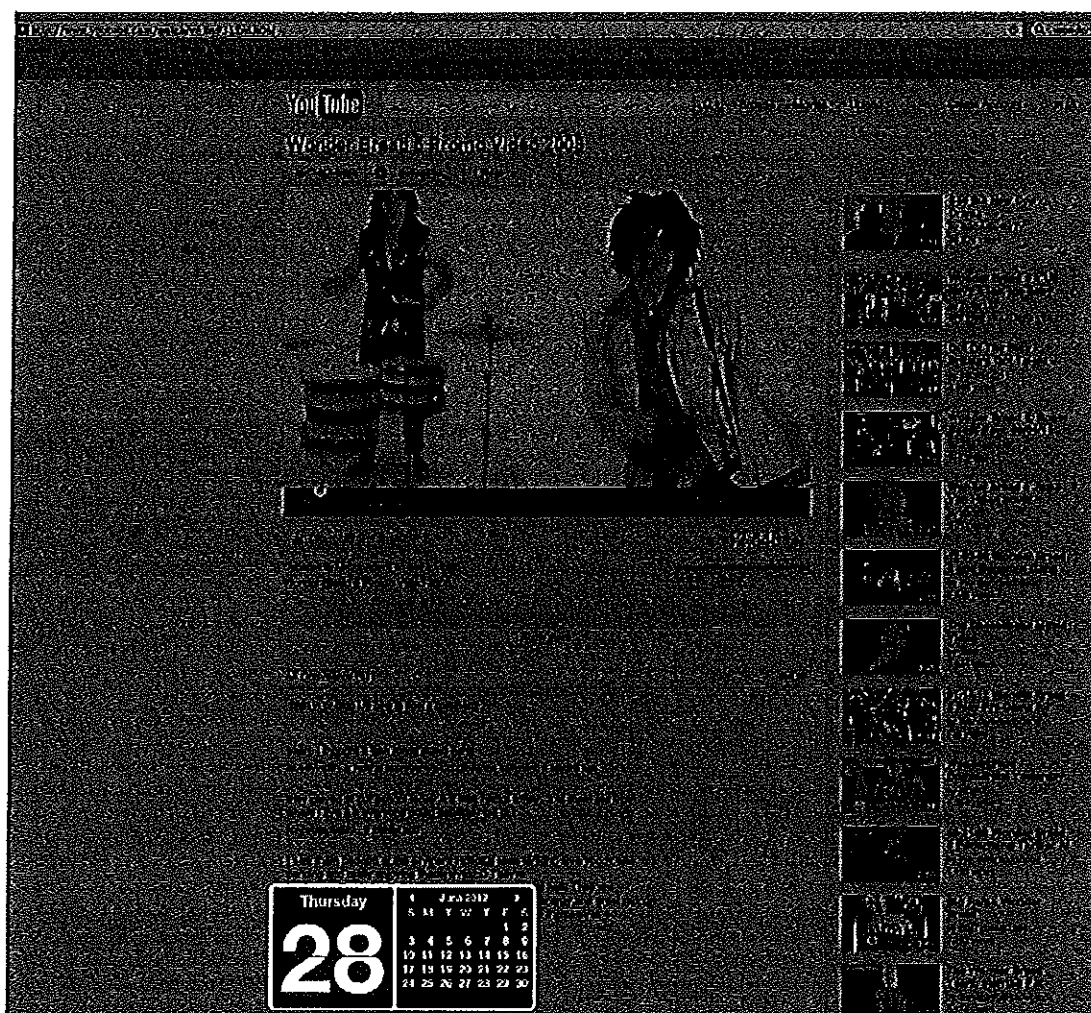
The Wonderbread 5 is a full service party posse that includes a variety of sound systems for small corporate functions and weddings to concert hall, heart-thumping wall of sound monster power amps. Additionally, they travel with a full compliment of state of the art lighting, an experienced management staff and the best stage show since Uncle Miltie left Vaudeville for TV.

Based in the San Francisco Bay Area, these globe trotting rockers have performed their amazing stage show in over a dozen states (several times each) and have traveled as far as Puerto Rico, Hawaii and Mexico, bringing an unparalleled excitement to the young and not so young alike.

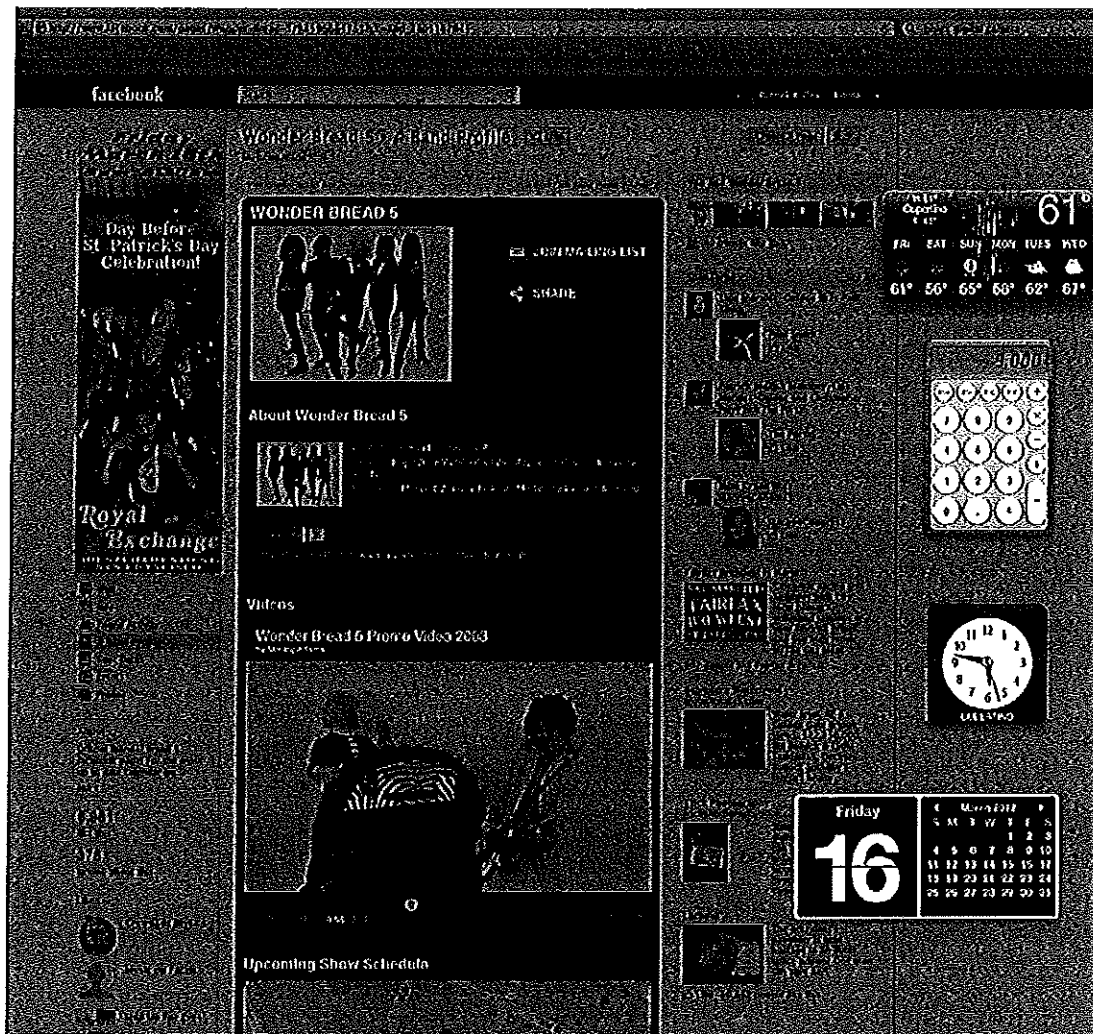
Please take a moment to view their comprehensive web site, (www.wonderbread5.com) where you'll find a complete list of clients, testimonials, videos, photos, biographies, song list, contact information and much, much more. Don't be the Party Planner in the back of the room over-hearing party-goers saying, "Uggh, they should've gotten the Wonderbread 5"..



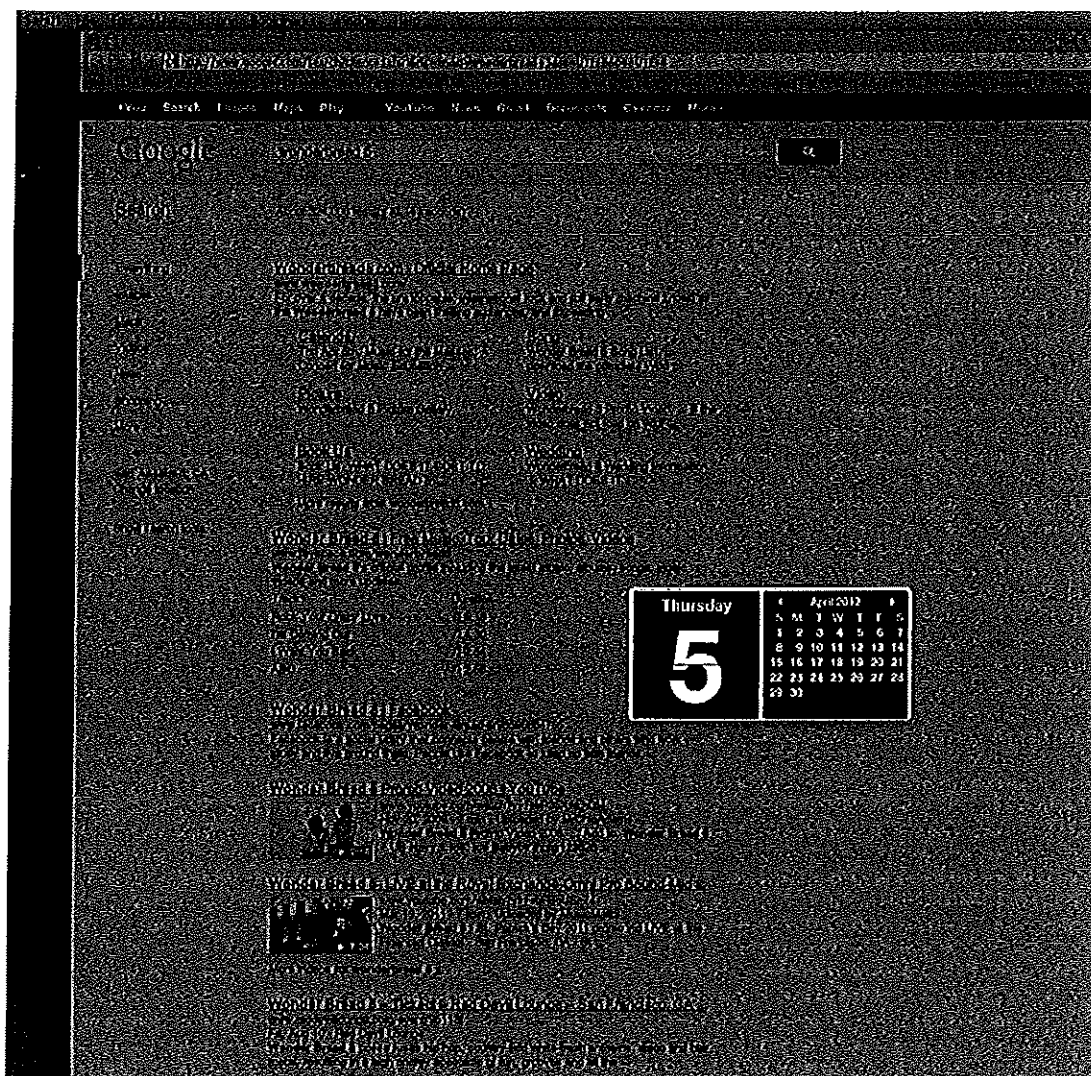
Hosted by Chip Adams. Gilles In video. Sound and Image.



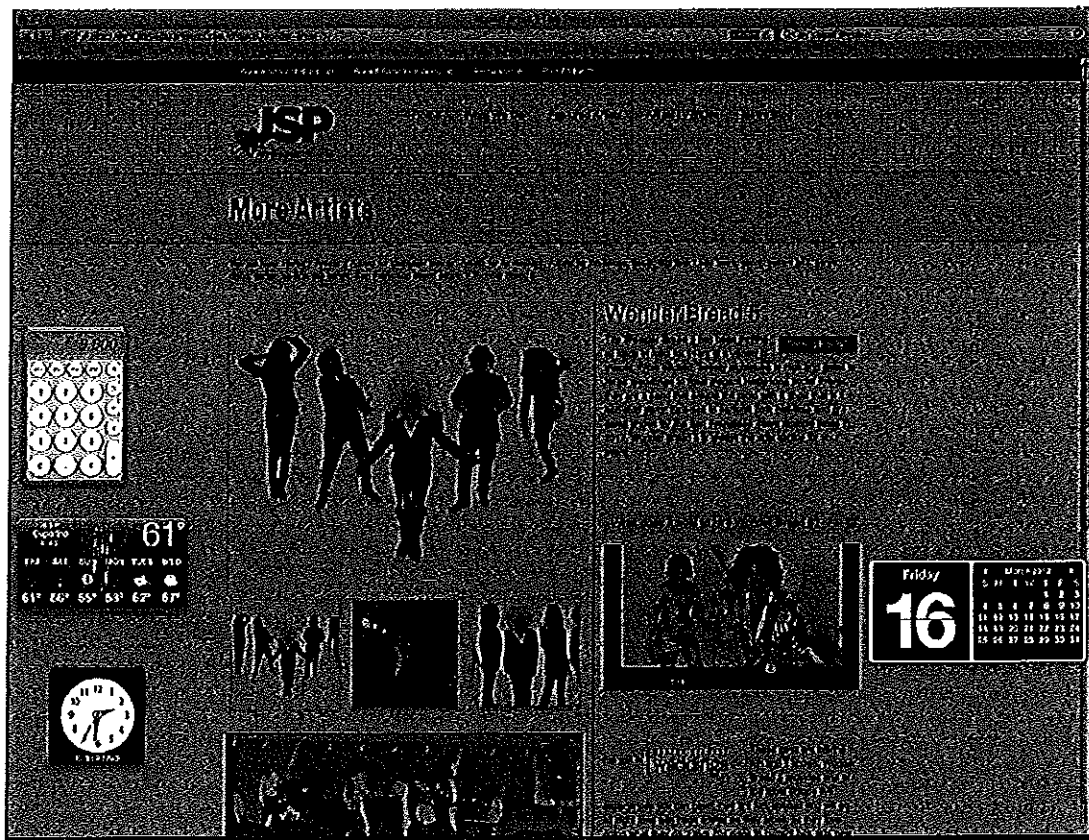
Youtube search



Facebook site



Google search. 4th item is Patrick Gilles video



www.jaysieganpresents.com official site

Thu, Oct 10, 2013 at 4:21 PM

Oct 10

Message starred

Fw: private for pat

From: Jay Siegan <jay@jaysleganpresents.com>

To: Patrick Gilles <patrickgilles@yahoo.com>

Sent: Thursday, October 21, 2004 3:39 AM

Subject: private for pat

Pat -

Can't sleep tonight -- so I thought I'd shoot you an e-mail.

Just wanted to be gay for a second and say "thanks." Thanks for what?

Well, thanks for EVERYTHING. I appreciate our friendship, our business

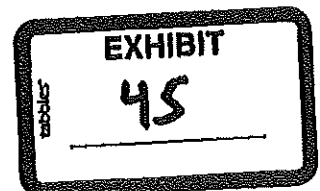
partnership and the way we communicate. I know we have had a few terse

moments here and there-- but I hope you know that I have always respected your opinion on things, and I most certainly feel confident

that the feeling is reciprocated. I can only count the people I trust much on a couple of fingers. You are one of them.

I know we may be coming towards the close of our working relationship

as far as the Red Devil goes, (March / April 2005) but I just want to



be clear about my thoughts and intentions: I find that you have
always
been someone that I trust, respect and honor. Even if we sell this
club
tomorrow, I hope we find a way to continue to work together in
some
capacity beyond WB5. I hope you know that I really consider you
as part
of my inner-circle of people I trust, and I hope you feel the same
way.

I was reflecting back on the Devil with a bit of sadness. I guess
when
we first bought it I pictured you and I there every night, slingin'
drinks with smiles on our faces -- with all the ladies adoringly
watching, you know? Making drinks, talking to chicks, and doing
"our"
thing together. Every night. You and me, living the dream. Too
happenin young guys who bought a goddman night club together.
..Well
you are married and I am committed to Irene's health and well-
being...
so shit changes.
Now I know that both of us live plans dictate that just won't
happen... but I hope you have at least a few good moments in the
mean
time.

I hope that we can sell this place for the profit that I honestly feel
with both deserve. If not, I'm sure we'll come up with some sort of
plan. Either way, I just want to take a moment to say thank you to
you
for all of it... Everything. I know you put your house up in Novato
for
this thing. And that rules.... Please know that not a day goes by

where

I don't respect and honor that. I respect Marrienne's involvement,
and
the girls -- yet it might be pretencious for me to call them and them
so.

I hope in the end this turns out to have been a succesfull, fun and
profitible venture for all of us. At that point, I will have succerred
you into a VP of Finance position at JSP, and you and I will be
swilling in creative and financial options.

You are a trustred friend and confident. Let's make some more
stuff
happen.

Love,

Jay

Jay Siegan Presents
1655 Polk Street, Suite 1
San Francisco, CA 94109
t: (415) 447-4730 f: (415) 447-4230
w: <http://www.jaysieganpresents.com>
nightclub: <http://www.reddevillounge.com>

Tue, Nov 2, 2004 at 10:05 AM

Nov 2, 2004

Fri, Apr 3, 2009 at 2:54 PM
Apr 3, 2009

Message starred

Re: Lab Rats

from Patrick Gilles to 1 recipient

Hide Details

Patrick Gilles

From

jay siegan

To

I'll make contact with Geoff C and get back to you or have him contact you directly. I do know this, however, they are not a working band and primarily got together solely because the WB5 were in town. They aren't looking for gigs, \$ or glory. Just a bunch of well to do older fellas lookin for some rock glory and stories with a bunch of married friends who get out 5 times a year.

P

--- On Fri, 4/3/09, jay siegan <jay@jaysieganpresents.com> wrote:

From: jay siegan <jay@jaysieganpresents.com>

Subject: Lab Rats

To: "Patrick Gilles" <patrickgilles@yahoo.com>

Date: Friday, April 3, 2009, 10:37 AM



Fri, Apr 3, 2009 at 2:54 PM

Apr 3, 2009

Message starred

Re: Lab Rats

from Patrick Gilles to 1 recipient

Hide Details

Patrick Gilles

From

Jay Siegan

To

I'll make contact with Geoff C and get back to you or have him contact you directly. I do know this, however, they are not a working band and primarily got together solely because the WB5 were in town. They aren't looking for gigs, \$ or glory. Just a bunch of well to do older fellas lookin for some rock glory and stories with a bunch of married friends who get out 5 times a year.

P

--- On Fri, 4/3/09, Jay Siegan <jay@jaysieganpresents.com> wrote:

From: Jay Siegan <jay@jaysieganpresents.com>

Subject: Lab Rats

To: "Patrick Gilles" <patrickgilles@yahoo.com>

Date: Friday, April 3, 2009, 10:37 AM

Hi Pat,

Hope you are doing well.

I'm exploring options for openers for Notorious at the Little Fox for Fri June 26. Might the Lab Rats want to do that? If you think so, please put me in touch with someone.

Cheers,

Jay

Jay Slegan Presents

415-447-4730 / fx: 415-447-4230

<http://www.jaysleganpresents.com>

<http://www.reddevillounge.com>

jay@jaysleganpresents.com

1655 polk st #1 san francisco ca 94109 usa

Thu, Dec 24, 2009 at 8:05 AM

Dec 24, 2009

Message starred

Re: Hi Pat

from Patrick Gilles to 1 recipient

Hide Details

Patrick Gilles

From

Jay Siegan

To

--- On Mon, 12/21/09, Jay Siegan <jaysiegan@me.com> wrote:

From: Jay Siegan <jaysiegan@me.com>

Subject: Hi Pat

To: "Patrick Gilles" <patrickgilles@yahoo.com>

Date: Monday, December 21, 2009, 12:09 PM

Pat -

Hope this finds you well. Assuming you also feel like we got 'right' after our last phone call, I'm reaching out regarding a little bit of rock n roll business.

I have some acoustic-y cover type things (corporate) that I want to chat w/ you about (if this interests you). Usually Clay is my go-to on these sort of things, but he unavailable for the two specific things I am thinking about.

Let me know if you are open to playing. If so, let's talk. I'm always quick on cell: 415-297-6338.

J